

A. N. Macleod from A. Macleod

FIRST REPORT

OF THE

COMMITTEE

OF THE

House of Assembly,

ON THAT PART OF THE

SPEECH

OF

HIS EXCELLENCY THE GOVERNOR IN CHIEF,

WHICH RELATES TO THE SETTLEMENT

OF THE

CROWN LANDS,

WITH

THE MINUTES OF EVIDENCE

TAKEN BEFORE THE COMMITTEE.

QUEBEC :

PRINTED BY J. NEILSON, No. 3, Mountain-Street.

1821.

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REPORT

OF THE

COMMISSIONERS OF THE

LAND OFFICE

IN RESPONSE TO A RESOLUTION OF THE HOUSE OF REPRESENTATIVES

PASSED MAY 12, 1854

AND OF THE SENATE

PASSED MAY 12, 1854

AND OF THE HOUSE OF REPRESENTATIVES

PASSED MAY 12, 1854

REPORT.

YOUR Committee, deeply sensible of the importance of the matter referred to them, have lost no time and spared no labour in investigating the causes which have hitherto retarded the Settlement of this Province, and more particularly of the Waste Lands of the Crown, and yet unconceded Seignorial Lands.

Their attention was in the first instance directed to the ascertaining of the amount of the surplus agricultural population of this Province, for whom it was expedient and just to provide habitations.

From the declarations of several witnesses which your Committee examined, it was manifest that Lower-Canada possesses in itself an abundant population to settle these waste lands.

To determine as exactly as might be, the precise amount of this surplus population, your Committee prepared a series of Questions, (whereof a Copy is subjoined to this Report, under the letter (A.) and transmitted the same to the Curates of the different Parishes in this Province, and to some of the more distinguished Seigniors resident in the Country, with a request to communicate their answers with all convenient speed.—Sufficient time has not yet elapsed to entitle your Committee to answers to these Queries. They anticipate, however, with confidence, much valuable information from these respectable sources, and when received, will feel it their duty to lay the same before this House with the least possible delay.

Your Committee next directed their attention to the determining of the quantity, and ascertaining of the quality of the waste and ungranted Lands of the Crown, with their local advantages or disadvantages, viewed with reference to actual Settlements. The result of these inquiries was in the highest degree satisfactory, and evinces that Land advantageously situated may be provided for the entire surplus population of Lower-Canada.—The examinations upon this matter, taken before your Committee, will be found in the Appendix to this Report, under the Letter (B.)

It could not but excite surprise in the minds of your Committee, that the large surplus agricultural population of the Province, had not been long since located upon the vast tracts of ungranted Lands of the Crown—and it became a matter of anxious inquiry to

them, whether the causes which had produced the strange anomaly of a superabundant agricultural population, environed by a wilderness of Lands, were permanent in their nature or otherwise.

It is with no ordinary satisfaction that your Committee have it in their power to declare, as their opinion, that these causes are not of a permanent nature, and to add that a hope, that their removal may be considered as neither of difficult or distant attainment, may reasonably be indulged.

In the opinion of your Committee, one of the principal causes which have retarded the settlement of the waste Lands of the Crown, in Lower-Canada, has been the abandonment of the ancient mode of granting Lands in Fief or Seignury, and the introduction of the tenure of Free and Common Soccage, a tenure novel and unknown to the people of this Country.

The first subject of inquiry of your Committee, has been into the causes which led to the adoption of a measure which did not appear to manifest that regard for the ancient Laws and Institutions of this Province, which so eminently characterized His Majesty's Government generally, and here abundant proof was afforded to your Committee, that a policy so adverse in its spirit to the general policy of His Majesty's Government towards this Colony, arose not from any intermission of that regard, but from extrinsic circumstances, which it was not in the power of your Committee to do more than partially explore.

So early as the year 1775, His Majesty was graciously pleased by his instructions to Guy Carleton, Esquire, Captain General and Governor in Chief in and over the Province of Quebec in America, and of all the Territories dependant thereupon, dated St. James', 3d February, 1775, with other matters relating to the good Government of this Province, to order, as follows:—

38. “ By our Commission to you under our Great Seal of Great Britain, you are authorized and empowered, with the advice and consent of our Council, to settle and agree with the inhabitants of our said Province of Quebec, for such Lands, Tenements and Hereditaments, as now are or shall hereafter be in our power to dispose of; it is therefore our will and pleasure, that all lands which now are or hereafter may be subject to our disposal, be granted in Fief or Seignurie, in like manner as was practised antecedent to the Conquest of the said Province, omitting however, in any grant that shall be passed of such Lands, the reservation of any judicial powers or privileges whatever:—and it is our further will and pleasure, that all grants in Fief or Seignurie, so to be passed by you as aforesaid, be made subject to our Royal Ratification or disallowance, and a due registry thereof within a limited time, in like manner as was practised in regard to grants and concessions held in Fief and Seignurie under the French Government.”

That in the year 1786, His Majesty was graciously pleased by such articles in the instructions to Lord Dorchester, as are not contained in the instructions to Guy Carleton, Esquire, in 1775, also a copy of such articles or parts thereof in the same instructions in 1786, as are now altered from the instructions to Guy Carleton, Esquire, in 1775, to order as follows:—

40. “Whereas many of our loyal subjects, inhabitants of the Colonies and Provinces now the United States of America, are desirous of retaining their allegiance to us, and of living in our dominions, and for this purpose are disposed to take up and improve lands in our Province of Quebec: and we being desirous to encourage our said loyal subjects in such their intentions, and to testify our approbation of their loyalty to us, and obedience to our Government, by allotting lands for them in our said Province: and whereas we are also desirous of testifying our approbation of the bravery and loyalty of our Forces serving in our said Province, and who may have been reduced there, by allowing a certain quantity of land to such of the non-commissioned officers and private men of our said Forces, who are inclined to become settlers therein; it is our will and pleasure, that immediately after you shall receive these our Instructions, you do direct our Surveyor General of Lands for our said Province of Quebec to admeasure and lay out such quantity of land as you, with the advice of our Council, shall deem necessary and convenient for the settlement of our said loyal subjects, and the non-commissioned officers and private men of our Forces which may have been reduced in our said Province, who shall be desirous of becoming settlers therein; such lands to be divided into distinct Seigneuries or Fiefs, to extend from two to four leagues in front, and from three to five leagues in depth, if situated upon a navigable river, otherwise to be run square, or in such shape and in such quantities as shall be convenient and practicable, and in each Seigneurie a Glebe to be reserved and laid out in the most convenient spot, to contain not less than three hundred acres, nor more than five hundred acres; the property of which Seigneuries or Fiefs shall be and remain vested in us, our heirs and successors; and you shall allot such parts of the same as shall be applied for by any of our said loyal subjects, non-commissioned officers and private men of our Forces reduced as aforesaid, in the following proportions, that is to say,” &c.

“The said lands to be held under us, our heirs and successors, Seigneurs of the Seigneurie or Fief in which the same shall be situated, upon the same terms, acknowledgments and services, as lands are held in our said Province under the respective Seigneurs holding and possessing Seigneuries or Fiefs therein, and reserving to us, our heirs and successors, from and after the expiration of ten years from the admission of the respective tenants, a quit rent of one halfpenny per acre.”

That after the declaration of American independence, in the year 1776, the powers of His Majesty's Government in this Colony came to be exercised by persons who had resided and held offices in the old British Colonies, who succeeded to the principal offices in this Province. That from the manner in which the influence of those Gentlemen

and their friends had been exercised in the old Colonies, and from the ill success which had attended the policy adopted by their advice, Canada could augur but unfavourably of the administration which was destined to rule it.

The alarms of the people of Canada were greatly increased by a large influx of Loyalists, who were naturally anxious to retain the laws, institutions and tenures to which they were accustomed. Notwithstanding that Great Britain had by an Act of the Imperial Parliament, commonly called the Quebec Act, (14 Geo. III. Cap. 83,) guaranteed to His Majesty's Canadian subjects "within the Province of Quebec, that they, the Religious Orders and Communities only excepted, might hold and enjoy their property and possessions, together with all customs and usages relative thereto, and all other their civil rights, in as large, ample and beneficial a manner, as if the said Proclamation, Commissions, Ordinances, and other Acts and instruments, had not been made, and as may consist with their allegiance to His Majesty, and subjection to the Crown and Parliament of Great Britain, and that in all matters of controversy relative to property and civil rights, resort shall be had to the Laws of Canada, as the rule for the decision of the same; and all causes that shall hereafter be instituted in any of the Courts of Justice, to be appointed within and for the said Province, by His Majesty, his heirs and successors, shall, with respect to such property and rights, be determined agreeably to the said Laws and Customs of Canada, until they shall be varied or altered by any Ordinances that shall from time to time be passed in the said Province by the Governor, Lieutenant Governor, or Commander in Chief, for the time being, by and with the advice and consent of the Legislative Council of the same, to be appointed in manner herein after mentioned," still several Petitions, which are to be met with in a Volume, entitled, "Quebec State Papers," were transmitted to His Majesty's Government by His Majesty's Canadian subjects, praying that they might be maintained in their ancient Laws and institutions.

That these apprehensions were by no means so visionary as might at first sight appear; for the repudiated public men of the old British Colonies, had by their arts attained that dominion in Canada, which their more wise and honest countrymen had not been able to achieve by their arms.

Accordingly, in the year 1790, His Excellency the Right Honourable Guy Lord Dorchester was pleased to refer to a Committee of the whole of the Honourable the Legislative Council, "to investigate and report a statement of the comparative advantages and disadvantages of the Tenure in Free and Common Soccage, and the present Tenures of the Province of a different description, with a view to the public interest, as well as that of the individuals holding under such Tenures; that they deliberate, and in case a conversion of the present Tenures in Fief or otherwise into Soccage Tenure, shall appear to be adviseable, that they report upon the most eligible mode of effecting the same, without prejudice to the rights of individuals, and the general interest of the country. In doing this the Committee are to attend to the nature and operation of the different clauses in the Statute of 12th Car. 2, Cap. 24, by which Soccage holding was made general in England, giving Mr. Lanaudière at the same time an opportunity to be heard on his Pe-

"tition for a conversion of the Tenure of his Estates into that of Free and Common Soccage, which was referred to a Committee of the Council on the 14th February, 1788. And the Committee may call on Mr. Attorney and Solicitor General for their opinion on the subject matter of the reference, if they shall conceive the same to be necessary, and take all such other means as they may think proper, for acquiring the necessary information; and further, if the legislative interposition shall appear to be necessary, the Committee are to report such draft of a Bill, as the case may require."

The Resolves of the Council, and the Resolutions and motion of the Chief Justice, adopted by the Committee, were calculated to introduce the Tenure in Free and Common Soccage, in lieu of the ancient Tenure of the country, in all new Grants, and to undermine and ultimately overturn those Tenures in the old Grants. These Resolves, with the Reasons of Dissent therefrom by Mr. Mabane, are subjoined to this Report, under the Letter (C.)

It is consoling to reflect that His Majesty's Government did not participate in this scheme.

The Debates upon the Constitutional Act of these Provinces, (31st Geo. III. Cap. 31,) exhibit the two great Statesmen in the British House of Commons, who in almost every other object of public policy were opposed to each other, concurring in the justice and expediency of maintaining his Majesty's Canadian subjects in their ancient Laws and Institutions, and of securing to his Majesty's subjects who had been reared under and were attached to the Laws and institutions of England, the possession of those Laws and institutions, and in conferring upon both the inestimable advantages of the British Constitution.

The work which contains these Debates, being a voluminous one, and not of easy access, your Committee subjoin to this Report an extract therefrom. (D.) It was in consequence provided by the Constitutional Act, "that there should be in the Provinces of Upper and Lower-Canada respectively, a Legislative Council and Assembly, to be severally composed and constituted in the manner described in the said Act, to make Laws for the peace, welfare and good government of those Provinces," and in a subsequent Clause, "that all lands which shall be hereafter granted within the said Province of Upper-Canada, shall be granted in Free and Common Soccage, in like manner as lands are now holden in Free and Common Soccage in that part of Great Britain called England, and that in every case where lands shall be hereafter granted within the said Province of Lower-Canada, and where the Grantee thereof shall desire the same to be granted in Free and Common Soccage, the same shall be so granted; but subject nevertheless to such alterations, with respect to the nature and consequences of such Tenure of Free and Common Soccage, as may be established by any Law or Laws which may be made by his Majesty, his heirs or successors, by and with the advice and consent of the Legislative Council and Assembly of the Province," and a free and representative Government was thus assured to these Colonies.

Your Committee, in proceeding upon the enquiry upon the comparative advantages and disadvantages of the ancient Tenures of this country and of the Free and Common Soccage Tenure, came to a conclusion that

the former possesses decided advantages over the latter, in the settlement of a new country.

Your Committee did not deem it necessary to institute any enquiry respecting the comparative advantages of these Tenures in a more advanced state of society, leaving it to the wisdom of their remote posterity to provide remedies for these inconveniences when they shall arise. It could not fail to strike the attention of your Committee, that great prejudices existed in the minds of the British descendants upon this continent against the Tenure en Fief. The Statute 12 Car. II. Cap. 24, operated a salutary revolution in the Constitution of Great Britain, and it is said by high authority to have been "a greater acquisition to the civil property of the Kingdom than Magna Charta;" yet although by means of it "the oppressive or military part of the feudal Constitution was happily done away, we are not to imagine that the Constitution itself was utterly laid aside, and a new one introduced in its room; since by the Statute 12 Car. II. the Tenures of Socage and Frankalmoign, the honorary services of Grand Serjeanty, and the Tenure by Copy of Court Roll, were reserved; nay all Tenures in general, except Frankalmoign, Grand Serjeanty and Copyhold, were reduced to one general species of Tenure, then well known and subsisting, called Free and Common Socage. And this sprung from the same feudal origin as the rest."

The reasons which induced your Committee to come to the above conclusion, are as follows.

The two great obstacles to settlements in all new countries, is the want of capital, and the consequent want of a market for labour in those comparatively remote situations. In a City composed of artisans, having all for sale the same commodity, whatever be its excellence, they will all starve; in a new settlement composed entirely of labourers to be furnished with meat and clothing from the sale of their labour, they also starve from the same cause, the want of customers.

The things possessed by each, though valuable in themselves, possess no exchangeable value. The minimum of capital required to be employed for any productive labour, will be regulated by the quickness or slowness of the return. Unfortunately in the clearing of land, even upon the smallest scale, the return to the actual settler is slow, generally from nine to twelve months.

Where actual settlements are now found upon the continent of North America, the above obstacles have been surmounted, either;

1st. Fortuitously, by the accidental coming together of persons having capital and persons having labour, at the formation of the new settlement, as in the case of Massachusetts; or,

2d. By the Government making a donation to the new settler, of capital sufficient to support him until his labour became productive, as was done in Upper-Canada at the commencement of its settlement in 1783-4, and has it is believed since been done in some of the late Military Settlements in that country; or,

3d. By the Government granting the lands in a manner to secure the laying out of a sufficient capital by individuals for this purpose, with a view to their own profit.

In the first there is danger that there be not a due proportion of capi-

tal ; and then the first settlers are subjected to great hardships, as happened to the first settlers of Massachusetts.

The second is exceedingly expensive and onerous to Government ; indeed so much so, that it cannot be carried on upon a very extensive scale, nor permanently.

The third appears obviously to be the best system ; it may be carried on, not only to the extent of capital which the capitalist of the Colony itself may turn into this direction, but is calculated to draw capital from abroad into this channel, and thus enrich the Colony as well by the introduction of new capital, as by the advantageous employment of it when introduced.

The object of the capitalist is to get from the Government the highest premium he can for employing his capital in the clearing of wild lands. On the other hand, that of the Government, on the behalf of itself, the owner of the lands to be granted, and on behalf of the needy individuals who are thus to obtain a settlement, and out of whom in one shape or another a large portion of the profit of the capitalist is to be extracted, is to give the capitalist as small a premium as he will accept for this use of his capital.

In the proprietary Governments of the old British Colonies, Maryland, &c. the premium given to Lord Baltimore and the other great proprietaries, to induce them to effect settlements in those countries, was much too high, and became so burdensome to the actual settler, that Government ultimately resumed the Charters.

The system least onerous to the actual settler, is unquestionably the French system of Seigneuries.

The only inconvenience of the system, and that was certainly a very great one, arose out of the civil and sometimes criminal jurisdiction attached to the Seigneurie. This, however, on the conquest, was removed.

Under this Tenure the actual settler had several advantages : he was not obliged to disburse any money for his land ; whatever little stock he possessed might be entirely laid out upon the improvement of his farm.

The Seigneur, in certain cases, but not universally, was bound by the conditions of the original grant, to open a road to communicate from the most remote settlement in his Seigneurie to the next concession of ungranted lands therein. He was expected to build a Mill, and the rate of *mouture* was fixed at a lower rate (1-14) than it now stands at in the United States, where the greatest competition obtains (1-12)—The new Settler had the countenance, support and assistance of the Seigneur, who was interested in effecting a settlement to save his Seigneurie from forfeiture : and all this was obtained for a moderate annual rent.

The system of Seigneuries is calculated to produce and has produced in this country an equal division of the lands, a thing favourable to human happiness, to good morals and industrious habits, to the stability of Laws and Government, and to the military strength of a country.

The Tenure in Seigneurie is one which the people of this country understand, and to which they are accustomed.

The religious and social habits of the Canadian agriculturalist, prevent him from emigrating to the Townships. He is there deprived of all the

substantial comforts of his religion. His child cannot be baptized, nor receive instruction in the principles of his religion ; on the verge of the tomb, he can receive no religious consolation. He has no means of attending Divine Worship.

From these causes, your Committee are persuaded that no Canadian settlements could be effected, unless the permanent residence or occasional attendance of a Priest could be had at a Chapel to be erected therein, and unless a colony of from 20 to 50 men, in habits of previous social intercourse, could be settled together. And your Committee see nothing so likely to produce this, as the erection of a sufficient number of Seigneuries to provide habitations and farms for the surplus population of the country.

For further and valuable information upon this subject, your Committee refer to a paper written and published in the year 1791, which will be found subjoined to this Report under the Letter (E.)

Upon the whole, your Committee are of opinion, that the first and principal obstacle which has existed, to the settlement of the Waste Lands of the Crown, has been the neglect of the Colonial Administration to obey the abovementioned wise and gracious Instructions of His Majesty.

Quebec, 12th February, 1821.

ANDREW STUART,
Chairman.

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FIRST REPORT.

MINUTES OF EVIDENCE

TAKEN BEFORE THE COMMITTEE.

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MINUTES OF EVIDENCE,

&c.

(A.)

QUESTION FIRST.—What is the number of souls within the Parish of——?

2d. What is the number of heads of families, landholders, within the Parish of ——, residing upon farms, and deriving their subsistence wholly or principally from the produce?

3d. What is the number of hired agricultural labourers, and of labourers belonging to the family of the landholder, not receiving wages?

4th. What is the greatest extent of ground possessed by any one individual in the said Parish?

5th. What is the number of individuals in the said Parish, holding in their own right an extent of ground equal to two farms of three arpents in front by thirty or forty arpents in depth?

6th. What is the number of individuals in the said Parish, holding in their own right farms of less than three arpents in front, by thirty or forty in depth, and into what number of classes can the said farms be distributed, and what is the number of each?

7th. What is the number of marriages, births and deaths in the said Parish within the last ten years?

8th. What is the number of agriculturalists above the age of twenty-one, unmarried, and what is the number of females above the age of eighteen, unmarried, in the said Parish?

9th. What is the extent of ground in the said Parish susceptible of cultivation, not yet granted?

10th. Is there a road through the said ungranted land, and has the said land been surveyed?

11th. Have there been any grants of land in the said Parish previous to the year 1759; if so, what was the general mode of granting, as well with reference to the extent of ground granted, as to the terms upon which the same was granted?

12th. Is there in the said Parish a considerable number of persons who are desirous and capable of making new settlements in

the said Seignior, provided they could obtain lands in the neighbourhood, or at a short distance from those of their relations and friends; and are there any such lands, and what is their quantity and quality?

13th. Are there any causes which have retarded and continue to retard the settlement of the land in the old Seigniories in this country, and what do those causes appear to you to be?

14th. Do any of the inhabitants settle in the Townships which are granted in free and common soccage; and if none go, to what cause do you ascribe it?

(B.)

The Honourable James Cuthbert appeared before your Committee and answered as follows to the Questions put to him:—

Q. Have you had any and what means of becoming acquainted with the nature and advantages of the Seigniorial Tenure in this Country, compared with the Tenure of Free and Common Soccage?

A. Being Proprietor of the Seignior of Berthier, in the District of Montreal, and having resided upon it for twenty-four years, I have had occasion to bestow much consideration upon this subject, and acquire much experience respecting it.

Q. What in your estimation are the relative advantages or disadvantages of these two modes of Tenure?

A. I hold a very great difference between the two modes of granting land. That under the feudal system, as it is in my opinion, not accurately called, offers an easy, expeditious, certain and economical mode of mode of obtaining lands, in the manner most congenial to the means, habits, wants and usages of the nineteen twentieths of the population of this Province, and carries in its nature and consequences the only reasonable hope of a long and lasting connexion with, and submission to the Mother Country. Whereas the Grants in Free and Common Soccage, after surmounting all the difficulties and expense of procuring them, break in upon the habits, customs, manners and prejudices of the Canadian Grantees; the conditions of those Grants not only deprive them of the ordinary resources they possess under the System in Fief, but also bind them to the obligation of employing in the first instance, at a time they are totally incompetent, an immense unproductive labour, which, if applied to a land in Fief, would alone enable them to subsist their Families.

Another powerful objection to the granting of the waste lands of the Crown in Free and Common Soccage, under the present regulations, is the evident tendency of such grants to level all orders of Society, and produce that spirit of republicanism which has already proved so fatal to Great Britain; experience has brought to

my conviction the facility with which the lower orders of English, Scotch or Irish will be allured from rational to licentious liberty, when brought within the verge of American politics; and the easy gradation from opposition to independance; whilst it is true to aver that the language, religion, laws, customs, inclination and even prejudices of the Canadians ensure their fidelity and support to the British Government, and present an insuperable bar to their becoming Americans.

Q. What are the causes which prevent the Canadians to settle upon lands in Free and Common Soccage?

A. Grants in Free and Common Soccage, strike the great body of the people as a dereliction of all they hold dear, they view the system and perhaps not without reason, as tending to subvert their institutions, Civil and Religious, by a slow but unerring progress; then the difficulty of obtaining the grant, the distance from their friends, their removal from the ordinary support and assistance they were accustomed to, and above all the immense tax of labour they incur, not only for their own Lot, but also for the Clergy and Crown Reserves, which are to be raised in value by the sweat of their brow; these and many other objections deter His Majesty's Canadian subjects from settling on Free and Common Soccage Grants. It has been said that American and European Emigrants have a total aversion to settle upon lands in Fief, &c. this is substantially and practically contradicted in the Seigniories of Dautrai, Lanorai, Ramesay, D'Aillebout and Terrebonne, under my own personal knowledge, and in many other Seigniories throughout the Province. It is principally on account of the Language not of the Tenure that any difficulty has arisen.

With regard to settling the waste lands of the Crown in Fief, it is within my conviction that were I in possession of ungranted cultivable land, I could concede some hundred farms *en roture*, in the short space of twelve months.

Q. What is your opinion of the density of the population of the settled part of the Seigniories?

A. The population in the old Seigniories is very dense, and in my division of Militia in 1804, there were from nine hundred to one thousand Militiamen, and in 1820, twenty-four hundred men above sixteen years of age.

Q. I understand you have travelled in Europe and the United States of America, did you ever observe an Agricultural Population so dense as that of this Province?

A. In no Country where I have travelled, have I met with such a dense Agricultural Population as in this Country, except in French Flanders and Brabant.

Q. What in your opinion has been the cause of the Canadian Agriculturalists not spreading more widely over the Seigniorial lands?

A. If I had held ungranted Seigniorial lands of a good quality I could have conceded two or three hundred farms in one year, as I have already said. As to the other Seigniories wherein there are ungranted lands, I cannot point out the cause of their not being granted; the lands may be held in the hands of the possessors on speculation. I am thoroughly convinced that there is no want of Agriculturists of the Country disposed to take those up.

Q. Can you say if many of the recent Emigrants from Great Britain, have settled on the grants in Free and Common Socage?

A. I have no knowledge that any of them have.

Q. Do you know that many of them have settled on the Seigniorial Grants, and what number do you suppose have so settled?

A. I have already said that many European and American Emigrants have so settled, I can form no estimate as to the numbers.

Q. Do you know of any application for augmentations of Seigniorial Grants since 1791, or for the granting of new Seigniories, and can you inform the Committee of the result?

A. My understanding, as to the system adopted in granting the Crown Lands in this Province, was such, that although I was inclined to apply, I never did. I have heard of persons having applied without success.

The Honorable Roderick M'Kenzie, Seignior of Terrebonne, appeared before your Committee.

Q. Have there been any grants of Land in your Seigniories, previous to the year 1759, if so, what was the general mode of granting, as well with reference to the extent of ground granted, as to the terms upon which the same was granted?

A. Many grants were made before and after that period—all on the same terms.

Q. Is it generally credited and believed in other Seigniories, that the Lord sells his Land, and will not grant them *a cens et rentes* in the manner heretofore usual and accustomed?

A. No deviation from the original rule for Concessions has taken place in the Seignior of Terrebonne. As to other Seigniories I cannot answer.

Q. Is there any considerable number of persons in the said Seigniories, desirous and able to effect new settlements in the said manors or lordships, provided that lands could be had contiguous to, or at no very considerable distance from the lands of their friends and relatives, and is there any and what quantity of such Lands, and what is its quality?

A. Owing to certain circumstances, beyond my controul, settlers could not be encouraged heretofore to take farms from me. The Soil, however, is good.

Q. Are there any, and what causes which in your estimation

have retarded and continue to retard the settlement of the Lands in the old Marors or Lordships of this Country?

A. No augmentations to Seigniories having been made since 1759, and of course not expected to be made hereafter, may be a principal cause for the delays observed in the Settlement of some Seigniorial lands. Proprietors expecting no increase as formerly, wait favourable opportunities to make the most of what they have.

Q. Is there any emigration from the said Seignior, and if so, is the same annual and regular, and whither is the same directed?

A. No Emigration from the Seignior of Terrebonne.

Q. Do any of the inhabitants emigrate to the Townships, granted in free and common socage, and if not, to what cause do you attribute this circumstance?

A. The inhabitants of this Country prefer Seigniorial Grants to any other. I conceive that system to be the best since the people who live under it never complain, and seem the happiest in the world. If a Settler who can be recommended, apply to a Seignior for a grant, he instantly becomes a proprietor at the trifling expense of five or six dollars to the Surveyor and Notary for deeds of Survey and Concession. The *Censitaires* in the Seigniories of Terrebonne, pay annually at the rate of half a bushel of wheat and twenty pence for every twenty acres. Some, indeed, pay less, but no one pays more. As wheat sells at present, this rent may amount to about two pence halfpenny per acre.

Q. Is there any, and what number of British Emigrants settled in the manors or lordships in the District of Montreal, and if so, when did the said settlements take place, and are the settlers satisfied with the said tenure?

A. I am not prepared to state the number of British Emigrants settled upon Seigniories in the District of Montreal. Several hundreds have applied to me within three years, but it was not in my power, however desirous I might be, to encourage them. Still Settlements are of late forming on the banks of the L'Achigan, both in the Seigniories of Terrebonne and La Chenaie. Spirited and independent Emigrants, (some of whom have travelled far and near for a home) take farms at all hazards, as fast as the land can be surveyed, and roads can admit.—These settlers pay no rent for upwards of two years, and they seem highly satisfied with their situation, and future prospect.

Q. Are the lands in the rear of the Seigniories northward of the St. Lawrence, susceptible of Cultivation?

A. By all the information I could collect from the best sources, I have reason to believe that the land on the rear of the Seigniories, (with little exception), to an immense distance, is suitable to agricultural purposes. As far back as 1684, I believe you will find on the records within this building, that lands were leased by the Government of those days, upon the banks of several rivers

which fall into Hudson's Bay, for the express purpose of Cultivation; and Charlevoix's History will show that the extensive country which lies between the Saint Lawrence and Hudson's Bay, was in his time well known. What appears now a wide waste, a blank, appears in his Map, particularized and covered with descriptive names: At this distance of time, a distance of nearly two-hundred years from the first Establishment on the St. Lawrence, a man can ride from its banks northward, in less than three hours to the very last house in any part of the Country under cultivation.

The Reverend Mr. Demers, Superior of the Seminary of Quebec, answered as follows:

Q. Are the two modes of granting Lands in this Province, that is to say, that under the Feudal System, and that in Free and Common Socage equally beneficial, and will you please to communicate to the Committee the reasons which induce you to give a preference to either?

A. I am fully persuaded the Feudal System, confined within proper limits with regard to Seigniorial and Permanent Rents, is the most advantageous mode of inducing His Majesty's Canadian Subjects to become Proprietors of the unconceded Lands in this Province—what leads me to think so, is, that under that system the poorest people, provided they are able to work, may easily become Proprietors of the Lands they clear, without being compelled to purchase them. These new Proprietors are indeed charged with a permanent Rent, but if the original Grantees of the Crown enter fully into the true spirit of the Feudal System, all they can impose, is very moderate Seigniorial and permanent Rents, and such as the new Grantees will always be able easily to pay. If the Government adopted the Feudal System in granting the Crown Lands, their Grants might regulate the Rates of the Seigniorial Rents for every square acre of ground. In this way the Rent in all these new Concessions would be uniform, and nothing would remain discretionary. As to the Proprietors of these new Fiefs, the *Lods et Ventes* and other feudal dues would afford them a compensation for the lowness of their Rent, and even for the expenses they might incur the more speedily to bring their Land into cultivation.

If the Lands are conceded in Free and Common Socage it will be quite otherwise.—It may be presumed, that the greater part of these Lands would shortly become the property of a few rich capitalists, who would not fail to retain the best lots, in order to bring them into cultivation themselves, and who would then sell or lease to the rest. How then shall the young Canadian Farmers, whose only wealth is that love of labour of which the habit was formed under the paternal roof, settle upon those lands? Finding it impossible to acquire land sufficient for their future decent support, they will be compelled to take some of those lands on lease or à *Bail Emphytéotique*—But in that mode of settling, it is easily seen that they will not experience equal advantage, as if the Lands were granted them in the Feudal manner. To be convinced of this, it suffices to know on what conditions the Lots reserved in the several Townships for the Crown, and for the support of the Protestant

Clergy are leased. Every lot is of 200 acres or 235 $\frac{1}{2}$ *arpents* or thereabout, French measure. So early as 1812, 963 of these lots were leased for 21 years, on the following terms, that is to say, "for the first seven years, Twenty-five Shillings, or Eight Bushels of Wheat per annum; the second seven years, Fifty Shillings, or Sixteen Bushels of Wheat, and for the remainder of the period, Seventy-five Shillings, or Twenty-four Bushels of Wheat per lot, the Lessors having the option of requiring payment to be made in either of the modes stipulated." (Topographical Description of the Province of Lower Canada, page 14) On an average, every Lot of 235 $\frac{1}{2}$ *arpents* is charged with an annual Rent of fifty shillings or sixteen bushels of wheat, at the option of the Lessor. Estimating the bushel of wheat at four shillings only, these 235 $\frac{1}{2}$ *arpents* will therefore be charged on an average with a yearly rent of sixty-four shillings. This rent is certainly higher than it ought to be, if an equal lot of ground were granted in Feudal Tenure. Let us suppose this Rent to be precisely the same, and two young Canadian Farmers each take one of these Lots of Land, and that one of them take his on lease, the other under a feudal grant: at the close of the 21 years, will the situation of both these Farmers be alike? One of them will have become the actual Proprietor of the Land he has cleared, while the other, with equal care, anxiety and toil, unattended by any superior advantage during the 21 years, will only retain the uncheering recollection of having, under the sweat of his brow, cleared a land not belonging to himself.

But it will be said, will not the *Lods et Ventes* due to the Seigneur on every mutation prevent the young Farmer from taking Lands by Feudal Grant? By no means, because the young Farmer well knows he will have no *Lods et Ventes* to pay while he remains in possession of his land, and that such of his descendants as hold it after him will be equally exempt as long as they acquire by descent. Though the due of *Lods et Ventes* may appear onerous to the purchaser, I am not the less persuaded that this due has an excellent effect on domestic society, for it is generally a powerful motive for retaining hereditary Lands. This is not one of those vague assertions which are inconsiderately hazarded, but a matter of fact readily confirmed by numerous instances afforded by such parts of our Country as have been longest settled, such as the *Côte de Beau-pré*. It is no rare thing to find in that place families who at this day possess the same lands which were granted to their ancestors almost immediately after the earliest settlements effected in this country.

Such are the reasons which induce me to think the Feudal System more beneficial relatively to the cultivation of the ungranted Lands of the Crown, than the mode hitherto followed in granting those lands.

Q. What are the causes which have prevented His Majesty's Canadian Subjects from settling the Lands in Free and Common Socage?

A. One of the principal causes, is the want of pecuniary means of purchasing Lands and afterwards clearing them. I do not think there is now to be procured in the Townships, a tract adequate to the support of a family for less than £100.—Very few young Canadian Farmers have such a sum, and those who have will ever prefer purchasing Land already in part cultivated, or applying their money to the clearing of lands

taken under a Feudal Grant, and costing them nothing. As to those who have no pecuniary means or scarcely any, they will never be reconciled to taking on Lease or *Bail Emphytéotique* a Tract of Woodland, remote from the place of their nativity—nor will they more readily take such Land on *Rente Constituée*, from apprehension of ultimate inability to pay that Rent, and thereby becoming liable to ejection from lands which they have in part cleared: unless they can settle in some other way they will prefer remaining labourers all their lives.—I think I know the Inhabitants of the Country parts sufficiently to feel assured that in this opinion I am under no error.

To this cause, which is inherent in the system itself which has been invariably pursued in granting the Crown Lands since 1795, others may be added; as the want of ready means of intercourse, between the settlements in the Townships, and the Canadian Settlements, ignorance of the language of those among whom the young Farmers of our parts would be placed, and above all, the remoteness of Religious aid. This alone, I am persuaded, would have prevented the sounder portion of our Canadian Youth from availing themselves of the advantages which new Settlements might offer in all other respects: nor would the substantial Farmers of our Country, sincerely attached, as they are, to their Religious principles, ever consent to the departure of their children to settle in places where they might suspect their faith or salvation to be in danger.

It is easy with a little attention to see, that these various causes would cease almost instantaneously, if our young Farmers had the same facility of settling on the Crown Lands as on the unconceded Lands in the old Seigniories, because they might, by agreement among themselves, depart in sufficient number, and take lands at the same place, indulging a most reasonable hope that other young Farmers would not fail shortly to join them.

Q. What are the conditions on which the Gentlemen of the Seminary concede the Lands in their Seigniories?

A. These conditions are, I believe, the same as are imposed by other Seigniors in conceding land within their *Censive*, with the exception of the Seigniorial Rents, which generally vary in the several Seigniories. I do not know whether the other Seigniors exact *Corvées* of their tenants. The Seminary of Quebec have never exacted any from their tenants, and they are not mentioned in the Grants made by them hitherto. The only charges they impose on the Grantees, are,

1st. To make a clearing along their neighbours' line, [*donner du Dé-couvert.*]

2dly. To make and keep in repair the Roads and Bridges upon their lands according to law.

3dly. To carry to the Seigniorial Mill to be there ground, the grain which those lands produce.

4thly. To pay the Seigniorial and permanent Rent and the *Cens* yearly. It is specified in all the Deeds, that this *Cens* bears *Lods et Ventes, Saisine et Amende*, in the proper cases, according to the Custom of Paris. The Seigniorial Rent and the *Cens* are not the same in the several Seigniories of the Seminary of Quebec. In the *Isle Jésus*,

nearly all the Lands were originally of three arpents in front by forty in depth. The greater part of these lands annually pay 10s. 6d. 2-3ds of *Cens et Rentes*, the others, much less numerous, having been conceded when the value of wheat was only 1s. 8d. per minot, are charged with 5s. 6d. 2-3rds. in money, and three minots of wheat as *Cens et Rentes*. In the Parishes of l'Ange Gardien, Château Richer, Ste. Anne and St. Joachim in the Seigniority of Beaupré, the lands are originally of three arpents in front by one league and a half in depth, and they pay annually 5s. 6d. 2-3rds. as *Cens et Rentes*. Among these lands there are 30 or 40 of which the Rent in Money is less considerable, and which are charged with a few Capons, valued at 20 *Sols Tournais* each. In St. Paul's Bay in the same Seigniority, almost all the lands are originally of three arpents in front by 50 arpents in depth, and pay annually 5s. 6d. 2-3rds. or 5s. 10d. *Cens et Rentes*. The lands which have been conceded of late years in the same Parish do not pay more. In the *Ile aux Coudres* the *Cens et Rentes* of the Lands are less considerable than at St. Paul's Bay. Besides these charges, the Seminary of Quebec in all Concessions which they make, reserve all Oak fit for the building of His Majesty's Ships, and reserve for themselves the right of taking upon the lands which they grant, the wood which they may want for the building or repairs of the Seigniorial Manor House and Bannal Mill. The former of these Reserves is to His Majesty alone. As to the second, it cannot be a charge upon the Tenants, because the Seminary never require it.

Q. Are there regular Emigrations from the several parts of this Province to the other parts thereof? What is their general direction, and what appears to you to be the cause of them?

A. As the lands which would suffice for the support of a family are lower in price in certain Parishes of the Districts of Montreal and Three Rivers than those in the District of Quebec, the Inhabitants of the Country parts of the Districts last mentioned not unfrequently sell what little real property they have in order to purchase larger estates in the other Districts. Most of those who thus abandon the Country about Quebec, settle in one of the following Parishes, Chateaugay, Blairfin-die, Ste. Marie de Monnoir, St. Constant, St. Jacques, St. Roch, Le St. Esprit, St. Benoit, &c. I have not heard that any of them have settled in the Townships.

I presume these Emigrations would be much less frequent in the District of Quebec, if the Farmers could more easily settle on unconceded Lands in the old Seigniories or on the Crown Lands. In my answer to the second question, I have pointed out the causes which appear to me to have hitherto prevented the Canadian Farmers from settling on the Crown Lands. Those which, as it appears to me, chiefly prevent their taking Grants of Land in the old Seigniories at present, are these:—In some places, the severity of the Climate and the bad quality of the Soil relatively to Agriculture; in some others, the extraordinary expense which must be incurred in cutting deep Trenches for draining Tracts of Land which are sometimes extensive; almost every where the want of Roads of access to the places where Settlements might be made. To

these several causes might perhaps be added the Rents which certain Seigniors are, (as it is said) desirous of fixing at too high a rate upon the lands which they concede.

J. T. Taschereau, Esquire, a Member of the House of Assembly, appeared before your Committee :

Q. Do you know the Country south of the Saint Lawrence, beyond the parts which are settled in the Seigniories of Nouvelle Beauce, as far as the Line which separates this Province from that of New-Brunswick, and by what means have you acquired that information ?

A. I have not visited it, but I have seen some persons who have done so.

Q. Are there in those parts, Lands susceptible of cultivation, and to what extent are they ?

A. Those who have been there, say, most of it is very fit for cultivation.—With respect to extent, there are several hundred thousand acres.

Q. What are the appearance of the Country, the nature of the Soil, the qualities and species of Timber, the Lakes and Rivers, with their courses, and how far are they navigable within the limits of that part of the Country ?

A. Some parts towards the Heights are Mountainous, the rest is as even and as well adapted to cultivation as the rest of the land in the Province which is fit for cultivation.—The quality of the timber is various. The River Saint Jean, flows from several Lakes near the height of land, and waters a Country which would be very fertile were it cultivated. The River Chaudière flows from Lake Megantic, and traverses a similar tract.—The River Etchemins and many other Rivers of minor size. These Rivers are navigable for boats in various places, and might be rendered so in all places by means of sluices and other works of art.

Q. How great an extent is actually settled in that part of the Country ?

A. The Township of Frampton alone to my knowledge, is settled, and it is so only in part.

Q. Are there any Roads in that part of the Country—What are they, and in what state ?

A. There is a Road through the Township of Frampton, and another Road which leads to the State of Maine, which is called the Kennebec Road. These Roads were lately made by the Commissioners of Internal Communications. They are in a tolerably good state, but are decaying rapidly for want of Settlements.

Q. What causes do you think have prevented the Settling of that part of the Country ?

A. The causes which have prevented the settling of the Lands beyond the Seigniories of La Nouvelle Beauce, are a want of Roads, a want of grants by the Crown in the ungranted Townships, and in those which are conceded a want of Roads, the Lots for the Crown and those for the Clergy, and also the very considerable expenses which the Grantees are obliged to incur for opening Roads, expenses of Survey and other expenses, with respect to which they are unable to obtain reimbursement of a portion of the interest, whereby they are put under the necessity of selling their lands at a very high price, and the interest of the consideration for the sale is equivalent to a *rente* which the Farmer could not pay,

which would not be the case if in conceding those lands at a moderate annual rent, the Grantees of the Crown could hope hereafter to be indemnified in some other way.

Mr. Taché, from Kamouraska, one the Members of the Provincial Assembly, appeared before your Committee and stated :—

I have resided for eighteen months at the place called Chicoutim, in the upper parts of the River Saguenay, at the place commonly called King's Domaine, which was in the year 1803. In the Spring of 1806, I travelled over all that part of the King's Domaine, which extends from Chicoutim to the great Lake Mistassin, called on the Map Mistissynis, of which the River Rupert is the Outlet, and which River runs into Hudson's Bay. In that space there is a considerable tract of Land fit for cultivation, more especially what surrounds Lake St. John, which is 40 leagues in circumference, and where formerly the Jesuits had a Settlement. I have had occasion to observe that the Soil is remarkably rich there, and the climate as fine as that of Quebec. Lake St. John may be situated north of Quebec at a distance of about 35 leagues according to the information of the Indians. From Lake St. John to Chicoutim, is a space of 35 leagues or thereabouts intersected by various Rivers and Lakes, which may facilitate Intercourse. The shores of these Rivers and Lakes are of very good Ground. In descending the Saguenay a space of six or seven leagues, and as far as the place to which first rate Vessels might go, its shores consist of a Soil very fit for cultivation. The aforesaid Domaine produces a very large quantity of fine Pine of various kinds, and especially of red Pine; and I consider this part of His Majesty's Domaine as one of the richest parts of North America, relatively to the Lumber Trade and Agriculture, were it brought into use. The River Saguenay is navigable for large Vessels as far as Chicoutim, and the Lakes are navigable from thence for Vessels of 60 or 70 Tons.

Q. How many great Rivers or others which are navigable run into the Saguenay?

A. More than thirty are navigable for Canoes, some of which have an Easterly others a Westerly course.

Q. How many are navigable for Bateaux?

A. Only the Chicoutim and the Saguenay.

Q. How far is the River Chicoutim navigable and for what Vessels?

A. About seven leagues for Bateaux, and above that is a Lake which is capable of bearing Vessels of at least one hundred Tons. The Lake is about nine leagues long, and is called Chinouagomi, it is about two miles wide. This Lake is divided by a point of Land of 10 or 15 arpents from another Lake called Chinouagomichiche, which is about 3 leagues long, by one mile broad, and is navigable for Vessels of 30 or 40 Tons. The outlet of this small Lake is the *Belle Rivière* which runs into Lake St. John. The position of all that Country is upon a Slope from North to South, an exposure very favourable to agriculture and sheltered by a chain of Mountains which commences East of Lake Mistassin, called on the Map Mistissynis, running towards the South West, and terminating in a curved line at the rocky Mountains.

Q. What extent of Country, in leagues, is susceptible of cultivation?

A. I should find it difficult to decide what extent of Country from North to South is susceptible of cultivation, but from Cap au Leste, in the River Saguenay to the settlement on Lake St. John, a distance of 40 leagues or thereabouts, the whole tract appears capable of cultivation, and all the land in that Latitude from Lake St. John as far as the sources of the River St Maurice, a distance of about seventy leagues, is, as I believe, very fit for cultivation.

Q. What vestiges of the Jesuits' Settlement remain ?

A. The Furrows of the Plough are still to be seen on a Tract of 3 or 400 acres square, which is now overgrown with Trees. Some fruit Trees also exist which were in a part of their Garden, also the remains of the foundation of their House and of the Chimnies.

Q. What is the quality of Timber on all that Tract of Country, which you visited ?

A. The environs of Lake St. John are covered with Poplars, Aspen, Ash, Spruce, and white Birch. There is also much Alder. In descending towards the Saguenay, there are on a height, large tracts of Pine, which I have already mentioned. It is well known to Farmers, that Ground which produces Aspen, Poplar, Ash and Alder, is extremely rich and fertile.

Lieut.-Col. Bouchette, Surveyor General of the Province, appeared before your Committee.

Q. Are you acquainted with the country lying on the south shore of the River St. Lawrence, beyond the settled part of this Province, on the Lake Temiskouata, as far as the Province line which separates this Province from the Province of New-Brunswick, and what have been your means of information ?

A. I have some knowledge of the country situate between the St. Lawrence and Lake Temiskouata, but more particularly of the communication between this Province and New-Brunswick; having travelled that part of the country several times, and made partial surveys and plans of the whole of that route, and in 1814 set off lands for the disbanded Veteran Soldiers, whom I placed at different stations for the purpose of keeping up the communication, and in 1817 had again occasion to see a great part of the country west of the River St. John, in running the Astronomical Exploring Line from the source of the Ste. Croix to the first waters of the Ristigouche, and returned to Quebec by the Portage Road.

Q. Is there any, and what extent of cultivable ground within this tract ?

A. I should conceive, to the best of my knowledge and estimation, that about 100,000 acres of cultivable land could be found contiguous and along the whole extent of the Portage Road from the Seigniori of River du Loup to Fief Temiscouata.

Q. What is the face of the country, the nature of the soil, the kinds and description of timber, the Lakes and Rivers, and their courses, the size of the same, and how far navigable within this tract ?

A. After ascending the first ridge of highlands in the rear of the settlements on the borders of the St. Lawrence, from thence to the River Verte, the face of the country is generally level, the soil of a fertile nature, composed of dark mould, interspersed with sand in some places, and clay bottom; the timber is chiefly beech, birch, maple, and a quantity of white pine, and some red. From thence to the River St. Francis the country is also level, but extremely rocky and strong; the growth of timber is small poplars, spruce and under brush. From thence again to within three miles of Lake Temiscouata, the country is broken, and intersected by ridges of highlands traversing the country in a north by east and south by west direction; of these highlands there are mountains of gradual ascent and descent, composed of excellent soil, though rather light, and in some parts strong, and the timber chiefly maple, birch and beech, &c. In the extensive valleys that exist in the course of that tract, there are many patches of good land, well watered, and large meadows. In approaching Lake Temiscouata, the soil is of a dark mould, but immediately on the borders of the Lake only it is in many parts of a light sandy and gravelly nature. The Lake, which is conspicuous for its beautiful and picturesque sceneries, is about 22 miles in length, by the average breadth of a mile and a half, encompassed on all sides by highlands, gradually descending, and covered with woods down to its margin. The principal Rivers which empty themselves into this Lake, are, viz: the Namsgamskutesek, which flows out of Long Lake, is about two chains wide, gentle current, and is said to be navigable for boats and canoes; the Toledo, or Rivière au Canot, takes its source in a chain of small Lakes to the north-east of Temiscouata, and although rapid, is navigable for Canoes; Ah-bérusk River, which discharges itself at the head of the Lake, takes its source in a chain of small lakes in the ridge of mountains to the north-west, which divide these waters from those of the Trois Pistoles, and are only separated by a short portage. Previous to concluding this part of my description of the Lake, I will observe, that, together with extensive pineries that are found in abundance on and in the vicinity of this lake and the rivers, there is an essential advantage derived from the peculiar species of fish, namely, the toledo, the white fish, and salmon trout, but must distinguish the toledo trout, taken at the entrance of and in the river of the same name. It is very like the ordinary size codfish, and is taken in such quantities at a particular season, that the inhabitants of the lake and others, even from the Madawaska settlement, salt them for their use in the winter. And in respect to the several rivers which intersect the portage road, the principal are the St. Francis, taking its source in a small lake of the same name in the highlands, and falls into the river Saint John in a south-

south-east direction. The Rivière Verte, which empties into the Saint Lawrence in a northerly course, is rapid, and not navigable, being obstructed by falls; also several branches of the Trois Pistoles, which are small, rapid, and not navigable.

Q. What extent of this part of the country is actually settled?

A. On proceeding from the last settlement on the Temiscouata road, at the ferry or new bridge in the depth of the Seignior of River du Loup, there are no settlements until you reach Green River, where there are about eight or ten, and altogether about 100 acres cleared; from thence the country is unsettled to the River Saint Francis, a distance of above eighteen miles, at which place there are two settlements, with about fifty acres cleared, and between this and Long's farm at Temiscouata, there are but a few abandoned houses, with from ten to twenty acres cleared. The settlement at Temiscouata Lake may consist of four houses, a saw-mill, and from seventy to eighty acres of clearing.

Q. Are there any and what Roads in the said tract, and what is the state thereof?

A. There is but one road, originally opened in 1783, which commences about $4\frac{1}{4}$ miles east of Rivière des Caps, at the Saint Lawrence, and directs its course eastwards to Lake Temiscouata, a distance of thirty-seven miles. The opening of this road was considered at that time of the greatest importance for the conveyance of the British Mail from Quebec to Halifax. Notwithstanding some endeavours to avoid the abrupt ascents, descents and swamps, &c. which consequently cause a number of windings and turnings of the road, and which obstructions are greatly prevalent in this broken part of the country, still they are frequently met with in the course of this route from Green River to within a mile or two of the lake, which render the use of carts or waggons entirely impracticable, and materially contribute to weary and fatigue the traveller. The road however from the St. Lawrence to the Green River, is somewhat better, and can admit of both these carriages. Having traversed this road several times with attention, I am convinced that it might, by applying proper means, and deviating in many places from the present course, become as good a road as many within this Province; but it must be observed that capable settlers must be placed on the same, that it may be kept up in a good state. The advantage of such a proceeding speaks for itself.

Q. What are the causes which, in your estimation, have contributed to advance or retard the settlement of the said tract?

A. The causes, in my estimation, which have contributed to retard the settlement of that part of the country, I would class under the following heads:

1stly. From the disadvantage of not having a practicable road throughout the portage, and a continued communication to New-Brunswick.

2dly. From not having placed, on the first opening of the road, persevering and able settlers, and too few a number to keep up such an extensive communication.

3dly. The doubts arising with respect to the exact limits of Lower-Canada and New-Brunswick with the United States.

Robert Christie, Esquire, appeared before your Committee, and answered as follows :

Q. Are you acquainted with the District of Gaspé, and what have been your means of information ?

A. I have visited the District of Gaspé the last and preceding Summers, as Secretary to the Commissioners for investigating the claims of the inhabitants to Lands, pursuant to an Act of the Legislature of this Province, of the 59th Geo. III. Chap. 3. My information on the state of that District is principally derived from personal observation, while employed on that service.

Q. What is the extent of cultivable ground in the said District ?

A. If by cultivable ground is meant ground already cleared of timber, and ready for tillage, I should estimate it upon the very lowest computation at five thousand acres. Upwards of five hundred claims have been received by the Commissioners ; many of those claims comprehend several lots, some of which are in a great measure cleared and under tillage, others are still in forest ; supposing then that at an average each claim may be estimated at about ten acres of cleared land, the total will be five thousand acres ; but judging from personal observation of the different tracts of cleared land in that District under tillage, which I had occasion to visit in the discharge of my office, I am convinced that in estimating it at ten thousand acres and upwards, I should not exceed the truth.

Q. What is the face of the country, the nature of the soil, the kind and description of timber, the lakes and rivers, and their courses, the size of the same, and how far navigable within this District ?

A. The face of the country is various, in some parts it is rough and mountainous, occasionally interrupted by deep and uneven vallies, here and there intersected with deep ravines ; the high lands in some places are thinly clad with a stunted growth of small wood, but most parts of the country are well covered with timber, such as maple, beech, birch, pine, larch, white cedar, hemlock, &c. but there is little or no oak of consequence. In the Bay des Chaleurs, the land from Port Daniel upwards to Maria, a tract of sixteen or eighteen leagues, is level, well watered, and abounds with the best growth of hardwood ; nor do I know of any part of Lower-Canada superior to this tract of country in soil and climate. It produces the best of wheat and grain of all descriptions, and I have understood from the inhabitants, that rarely, if ever, has their grain suffered from blight or rust. The soil in this part

of the District is a friable red clay and loam, and this indeed, as far as fell within my observation, is the general character of the soil of the District, except on the River Ristigouche, where the land is of a richer description. With respect to the Lakes in this District, I know nothing, never having advanced any distance inland. The principal Rivers are those which empty into the north-west and south-west branches of Gaspé Bay, the River St. John, at Douglass Town, in the same Bay, the River at Malbay, the Grand River, near Cape Despair, the Rivers Great and Little Pabos, Port Daniel, East, Nouvelle, Bonaventure, Great and Little Cascapedia Rivers, and the Rivers Nouvelle and Ristigouche, which last is the principal River in the District, the other Rivers above mentioned, though considerable streams, are navigable only by boats or canoes; they may generally be compared in size to the St. Charles, the Chaudiere and the Jacques Cartier, near Quebec; they are sufficiently large and deep for rafting down pine timber from the interior of the country. The Ristigouche is navigable by schooners and even larger vessels, as far up as the Indian Village, which I suppose may be about fifteen or sixteen miles from the mouth of the River, or Maguacha Point, probably a little more or less. The Commissioners for the Gaspé Land Claims, Messrs. J. T. Taschereau and L. M. Juchereau Duchesnay, have made a Census and detailed Statistical Report of this District, to his Lordship the Governor in Chief, which, were a copy laid before this Committee, would afford much more correct and satisfactory information on the subject of the present enquiry, than my recollection enables me now to give, as they were the result of the joint observations of these Gentlemen, and of the most careful investigation of the reports of those who might be depended upon, in such instances as did not fall within their own immediate view.

Q. What are the Mineralogical and Fossil productions of the District?

A. My knowledge of mineralogy is so exceedingly superficial, that I must acknowledge myself wholly incompetent to speak as a mineralogist: I can therefore only speak as an ordinary observer of the different materials of this description which may strike the attention of the traveller. The District abounds with lime, particularly Gaspé Bay, the north shore of which is, from its entrance including Cape Gaspé upwards, a series of capes and precipices of the best lime stone. In the Bay of Chaleurs it is not so abundant, the coast in that part of the District exhibiting a chain of low capes of a red sandy stone, similar to that description of stone called pudding, which by the action of the sea and weather, falls and crumbles into fine gravel and sand. At and near Percé, in certain spots, the capes appear to be partly of variegated marble, and is composed of marine petrifications. In New-Carlisle, at the

distance of three or four miles from the sea side, at a small lake, is a bed of shell marle, said to be of a superior kind, and of which I have seen specimens. There are no doubt coal mines in several parts of this District; at Douglass Town, in Gaspé Bay, on the southern bank of the River St. John, I collected a small quantity of tarry and inflammable matter, which oozes in considerable quantity from the earth about high water mark, in colour and smell resembling coal tar, which I believe to be asphaltum, or some other species of bitumen; it is now deposited at the Museum of the Quebec Seminary. On digging the surface of the ground, I found a black coal coloured earth, and was informed by some of the inhabitants that pieces of coal had frequently been found about that place. In Gaspé Bay, and in the Bay of Chaleurs, at Paspébiac, I found several specimens of valuable pebbles, which have since, at my request, been wrought by a Lapidary in Quebec, by whom I am informed that they are of the most valuable Cornelian, Agate and Jasper, superior to any of the kind found in Europe, and equal to those of India.

Q. What extent of this District is actually settled?

A. The District, compared with its extent and capabilities, is very thinly settled, and that only along the sea coast, in places adapted to the fisheries, and where vessels can approach and anchor in safety for the purposes of traffic.

Q. What is the state of the Roads in the said District?

A. The state of the roads is exceedingly bad, and in many inhabited places the beach on the water side is the only practicable road.

Q. What are the causes which in your estimation have contributed to advance or retard the settlement of the said District?

A. The causes which have contributed to retard the settlement of this District, are various, but it appears to me they may principally be comprehended in the three following:

First.—The absolute want of titles to the lands upon which the people have for many years been established, and the consequent apprehension of the possessors, that they at some future day might be troubled in their possession. The inhabitants could not therefore improve those lands with cheerfulness, which they were not certain of enjoying. This cause may however now be considered as almost entirely removed, by the Act passed by the Legislature of the Province, to secure the inhabitants of that District in the possession and enjoyment of their lands, (59th Geo. III. Chap. 3.)

Second.—The neglected state of the roads in the District, and the little attention paid to enforce the Road Laws. This may however in a great degree have resulted from the circumstance just above mentioned, and I should suppose, that as the people in that District are shortly to obtain their titles, according to law, more attention will be paid to this subject than heretofore, as they

necessarily will then become more than ever interested in improving their old roads and opening new ones.

Third.—The defective system of Civil Judicature, as established by law for that District, and the omission for many years past to hold Courts of Quarter Sessions for the trial of misdemeanors and other offences cognizable in those Courts. The Provincial Judge for that District can only take cognizance in causes amounting to £20, nor can he, as done in the other Districts, issue Writs against real property for sums exceeding £10 sterling, by which creditors in this District are more disadvantageously situated than in other parts of Lower-Canada. For debts exceeding £20, suitors must come to the Quebec Courts. The delay and expense attending suits to be carried on at so great a distance from home, are frequently such as to deter them from prosecuting, preferring rather to forego the debt altogether, or wait until it may please the debtor to discharge it. The disadvantages under which the trade is placed in this respect, are very great, and discouraging to the merchants. The want of Criminal Courts, and Courts of Quarter Sessions, for the trial of offenders against the laws, is productive of the most serious evils. The impunity of crime in that District, for want of Criminal Courts, daily and hourly leads to a repetition of the most daring and atrocious outrages, inasmuch that no man in the District may be said to be secure in person or property. The complaints on this subject are loud, and I am convinced that this is one very material cause by which the improvement of the District has been and still is retarded.

Mr. Alexander Morrison, of the City of Quebec, Cooper, appeared before your Committee.

Q. Are you acquainted with the River Saguenay, and what means had you of becoming acquainted with it?

A. I resided three years at Tadoussac, at the entrance of the River Saguenay. I have been up the River as far as Chicoutimy, which is 26 leagues, or thereabout, up this River. I was coming and going there for fourteen years.

Q. What is the size of this River?

A. This River is about half a league broad; a man of war can ascend it for twenty-three leagues, and vessels of a hundred tons burthen may go as far as Chicoutimy.

Q. What is the climate of the country about Lake St. Johns?

A. As far as I understand from travellers, it is much the same as that of Quebec.

Mr. McNicol, of Murray Bay, appeared before your Committee.

Q. Do you know the lands situate on the River Saguenay?

A. I have no other knowledge of that country than what I derive from the Voyageurs.

Q. How far is the River Saguenay navigable?

A. It is navigable for large vessels for thirty leagues, and for small crafts as far as Chicoutimy.

Q. Are there on both sides of the River Saguenay lands fit for cultivation?

A. Yes; but I cannot say how far.

Q. What is the climate?

A. The climate is good there, and perhaps better than that of Quebec, because of its western exposure.

Q. What is the soil?

A. The soil, generally speaking, is good, and fit for cultivation, especially at Haha Bay and Chicoutimy. I know the soil towards Lake St. Jean, where there formerly was a settlement of Jesuits, is good, and that the climate is mild enough for melons to thrive there. It is said to be the best climate in Lower-Canada.

Q. Do you possess any land or other property in that neighbourhood?

A. I am Co-Seignior of the Seigniorie of Murray Bay, in right of my wife?

Q. Have you any knowledge of the quality of the timber in those parts?

A. At Chicoutimy there is good white pine, white ash, walnut, elm and beech.

Q. Do you know whether there are in your parts any young people who would like to settle on the River Saguenay, towards Lake St. Jean, and should you not like yourself to have a Seigniorie there?

A. If that part of the country were to be conceded, I am persuaded there are a great many people in our parts who would like to settle there.

Richard Coughtrie, yeoman, of Valcartier, in the Seigniorie of St. Gabriel, appeared before your Committee.

Q. When was the settlement of Valcartier commenced?

A. In the month of August 1816.

Q. What distance were the first clearings of Valcartier from the last Canadian settlements?

A. Two leagues.

Q. What was the state of the roads previous to the commencement of that settlement, between the last Canadian settlements and this new establishment?

A. There was no road passable for a cart, or even for a single horse, these two leagues, during the summer season, by reason of the morasses and small streams which intersected this road; these being frozen in the winter, the Canadian settlers were enabled to go a distance of a league and a half this road, which they did for the purpose of getting wood.

Q. What extent of road was made by the Grantees of this tract ?

A. Two thirds of a league.

Q. Did you at any time, and when, make a Statistical Table of this settlement ?

A. Yes, I assisted in the making out one in the autumn of 1820, and at the request of the Grantees I made out another in the month of January, 1821, both of which I have in my possession.

Q. Will you transmit to the Committee these Statistical Statements ?

Mr. Coughtrie then produced to the Committee the said Statistical Statements, which are as followeth :

faid Sta-

Names of Householders.

[illegible]

STATISTICAL TABLE OF THE SETTLEMENT OF VALCARTIER.

Names of Householders.	Houses.	Children.	Male.	Female.	Servants.	Males.	Females.	Horses.	Oxen.	Cows.	Hogs.	Land cleared and clearing.
1st CONCESSION.												
Richard Newman,												6
Wm. O'Hara,												6
Barnard O'Hara,												6
Patrick O'Hara,												4
Wm. McQuillan,												8
John Carney,												7
Lieutenant Harvey,												16
James Carle,												6
Goff,	2	5	3	2							1	6
Watt,	2	7	2	5	1	1						10
2d CONCESSION.												
Ireland,	4	12	5	7	1	1					1	75
Ord,	2	5	1	2				1		1	2	12
David Johnson,	1											4
James Johnson,	1											4
3d CONCESSION.												
Francis Barnard,	5	3	1	2				1		1	2	23
Clement,	2											1
Edward Hunt,	2											1
John Johnson,	1											1
Pierre Renaud,	2	4	2	2							1	1
W. & B. O'Hara,	5	5	1	2	2	1	1	2	4	8	6	80
Wm. Brown,	1	7	3	4				1	4	5	2	62
M. Campbell,	2	4	3	1	2	2		2	1	3	5	50
J. O'Hara, } Occupied by 4 Emigrant Families.	7	4		4								40
A. Buchanan,												10
Henry Patten,	3	5	2	1	2	2		1		4	3	30
John Mather,	2	3		5						2	1	20
Andrew Kerr,	2	2		2								1
Robert Goodfellow,	3											1
Mr. Neilson, River side,	1							1	2	7	2	55
Wm. White,	2				2	2		1	2	4	5	20
Wm. White,												4
Joseph Pierce,												4
John O'Hara,												4
Peter Dawsey,												4
4th CONCESSION.												
Paschal Mercier,	37	50	11	19	8	7	1	8	13	31	26	370
Mr. Pozer's Man,	2	2	1	1						1	1	5
Heney,	2	6	4	2				2	2	1	6	20
Wm. Corrigan,	2	5	2	3	1	1		1	4	5	4	36
John O'Neil,	1											9
Wm. Brown,	2	3	1	2	3	3		1	4	6	4	50
Richard Ward,	2	3	1	2	1	1		1		2	4	24
John Mather,	2											14
John Imrie,	2	2		2	5	5		1	3	9	6	20
Richard Coughtrie,	1							2			2	40
Edward Sweeney,	2	7	4	5	1	1			2	4		12
James Sweeney,	2	2	1	1	2	2				2		20
5th CONCESSION.												
Serjeant Major Wolf,	18	30	14	16	15	13		8	15	28	27	260
Captain Barrington,					3	3						50
John Lavery,					1	1						6
Richard Coughtrie,												4
John Sinclair,	4	2	1	1	1	1		1		1	2	5
John Imrie,												25
John McCartney,	2	4	1	3				1		3		20
J. B. Noreau,	2	2	1	1						1		8
James Sweeney,												6
Edward Sweeney,												4
Richard Ward,												6
John O'Neil,												4
Several Gentlemen, names unknown,												20
	8	8	5	5	5	5		2		5	2	40
6th CONCESSION.												
												40

CONCESSIONS.	House Keepers.	Children.	Male.	Female.	Servants.	Males.	Females.	Horses.	Oxen.	Cows.	Hogs.	Land cleared and clearing.
1st CONCESSION,	4	12	5	7	1	1					1	75
2d Ditto,	5	5	1	2				1		1	2	23
3d Ditto,	37	50	11	19	8	7	1	8	13	31	26	370
4th Ditto,	18	30	14	16	15	13		8	15	28	27	260
5th Ditto,	8	8	5	5	5	5		2		5	2	190
6th Ditto,												40
	72	83	34	49	27	26	1	19	28	65	58	958
Land cleared in the 5th Concession, adjoining 6th Concession,												20

Total number of Souls, 182.

Arpents, 978

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Q. Has there been any and what increase within the period alluded to?

A. There has been an increase of sixty souls; there are twenty houses and upwards. The increase of stock is not very considerable. There has been four hundred acres of land cleared and clearing.

Q. Did you act as agent for any individuals who contracted for the clearing of land there with emigrants?

A. Yes, I did.

Q. What is the number of emigrants, and the members of their families, and when did they arrive, and from what country came they?

A. Four men, three women, and four children, of the age of seven years; they arrived in the month of November, from Ireland; they were three Protestants, and one Catholic.

Q. State minutely and particularly out of what fund, by what means and in what manner these individuals have been provided for, and what the nature of your duty as such agent was?

A. The Gentleman who employed me, had, as I understood from him, been requested by the Emigrant Society of Quebec, to give to each of these four heads of families a job of ten acres, upon four several lots, to clear and fence, for four Gentlemen in Quebec, who had undertaken to employ these individuals for this purpose, in consideration of the Committee of the Emigrant Society obtaining from the Commissioners of the Jesuits' Estates a grant of these lots. My duty was to see that these individuals worked faithfully, and to take care that they should be as little in advance as possible; to communicate from time to time with the principal respecting their wants, obtain supplies from time to time from Quebec or within the settlement, distribute them amongst them, and keep just and true accounts.

Q. How were the purchases made?

A. The pork, which is the most expensive article, was purchased by the barrel at the wholesale price, the flour was bought in the market, and the fish from the wholesale dealers.

Q. At what rate did these several articles stand to them?

A. At three pence the pound of pork, fish fourteen shillings a quintal, flour ten shillings and six pence a quintal, pease four shillings and six pence a bushel. These costs constituted the whole amount of the advances, except bedding and blankets, which were also purchased at the lowest prices.

Q. What was the amount to be paid to these emigrants, upon the fulfilment of each of their jobs?

A. Thirty pounds.

Q. Could the whole or what proportion thereof be earned during the winter season?

A. One half thereof could be earned during the winter season.

Q. Does this afford a fair prospect of maintaining them by their labour?

A. Yes.

Q. What upon an average has been the amount of the advances you have been obliged to make to them up to this season?

A. Upon an average about seven pounds.

Q. Is the value of their work equal to that sum?

A. Not at the present time; the lateness of the season, joined to a difficulty of finding out where the lands were which they were to clear, retarded them; they were likewise employed in building a house, and they were obliged to cut the under brushwood for the distance of about two miles, to make a path to their work.

Q. Do you think that an honest and industrious emigrant, obtaining a job of this nature, and a lease upon shares of the land cleared by him for a term of three years or more, would have a fair prospect of supporting his family, and becoming himself ultimately a landholder?

A. Yes.

Q. I believe you are yourself an emigrant, and of what country?

A. Yes, I am from Scotland.

Q. How long have you been in this country, and how long have you been employed since your arrival here?

A. I have been three years in this country in May last. I came out as a hired farm servant to John Neilson, Esquire, of this City, and resided with him in that capacity from the time of my arrival to the month of September 1819. Mr. Neilson, to oblige me, had previously sold to me at a moderate rate, a farm at Valcartier, upon which there was no clearing, of three arpents in front, upon thirty in depth, where I now reside. I subsequently obtained from the Commissioners of the Jesuits' Estates, in the month of November, 1819, in common with nine others, a lot of ground of three acres in front, by somewhat more than thirty acres in depth, in the fifth concession.

Q. Is this the same fifth concession which is mentioned in the Statistical Table which you laid before this Committee?

A. Yes.

Q. What is the description of persons who have so settled in the fifth concession, what is their country, and from whence has been derived their means of subsistence since they have established themselves at Valcartier?

A. All, but one Canadian, are emigrants from Scotland and Ireland; five of them are Irishmen, four of them Scotchmen: they arrived here chiefly in the year 1818.

Q. Have they all a fair prospect, by industry and honesty, to

become landholders, and to support their families with the produce of their farms?

A. Yes.

Q. Are there any ungranted lands in that Seigniorly adjoining the actual settlements, susceptible of cultivation; and if so, how many lots?

A. I have reason to believe that there are five lots in the fifth concession, about ten lots, or perhaps more, in the rear of the lands granted to Doctor Blanchet, and four lots between the land used as woodlands and the land granted to Lewis Foy, Esquire.

Q. Have you any knowledge or information of the lands lying on the other side of the Jacques Cartier River, beyond the mountains by which that river is immediately skirted?

A. Yes.

Q. What is the quality of the same?

A. It is equal if not superior to the lands at Valcartier actually settled. Indeed, generally, the soil on that shore of the Jacques Cartier River is better than on this.

Q. Is it watered by any and what streams?

A. The River *aux Pins*, which runs in a southerly direction, and empties itself, at a distance of about five leagues, in the Lake Ontario, which last lake is about five leagues in length, and discharges itself into the Jacques Cartier.

Q. In what length of time does an able bodied emigrant usually learn to chop wood and clear land, and build log houses and barns?

A. In about three months.

Mr. Angus Brownson, Timber Merchant, residing at Three-Rivers, appeared before your Committee, and answered as follows:—

Q. Are you acquainted with the Country lying beyond the settled Country on the St. Maurice?

A. Yes, I am.

Q. Is there any and what extent of cultivable ground within this tract? What is the face of the Country, the nature of the Soil, the kinds and description of Timber, the Lakes and Rivers, and their courses, the size of the same, and how far navigable within this tract, and what have been your means of information in these particulars?

A. In the month of August, 1818, I was induced, by information of there being Red Pine Timber fit for His Majesty's Navy, to go about 40 leagues up the River Saint Maurice, being authorized by Messrs. P. Patterson & Co. who had a licence from the Commissioners of His Majesty's Navy. I found the Timber answer my expectations, consequently proceeded in cutting and squa-

ring and getting it down; finding some difficulty in getting up provisions, it induced me to cultivate in the month of June, 1819, a piece of land sufficient to sow twelve bushels of Oats, two bushels of barley, twenty bushels of potatoes, half an acre of turnips, and two bushels Timothy, which produced as well as could be expected, considering the state of the cultivation of the land, the Timber being cleared from the land at a late season of the year. I cannot exactly state what was the amount of the Crop, as I gave it to my Oxen and Horses, without its either being thrashed or measured. I planted Potatoes the next year, from which I also had a good Crop. Mr. Archibald Fairfield, who was engaged in the same business under the same licence, also sowed forty bushels of Oats, and thirty bushels of Potatoes for two successive years, from which he also had a handsome return. This sowing and planting was upon the Points and Islands of the River Saint Maurice, the uplands being high and rough, and not so readily cultivated at this place. Mr. Fairfield's sowing was partly twenty leagues and partly ten leagues below mine. He sowed as well on the high lands as on the low lands, the country not being so rough. My sowing was made at about forty leagues from Three-Rivers. From the opportunity I had of exploring the lands on the Saint Maurice, I am of opinion that these lands are susceptible of cultivation from the Forges of Saint Maurice, for fifteen leagues on each side of the River, and then the country becomes rough and mountainous. Above the above mentioned fifteen leagues, I saw many spots susceptible of cultivation, but these being too small, they would hardly admit of any considerable settlement. The first fifteen leagues the Timber is Maple, Beech, Elm, Ash, Butternut, Red Pine, White Pine, Spruce, Balsam, White and Black Birch. The Timber above this part of the River and on the more rough and mountainous parts, consist on the mountains principally of White Birch and small Red Pine, on the more even parts of it the Timber is much the same as on the first mentioned fifteen leagues. For the first fifteen leagues the soil is various. On the smoothest and best part of the Country it is loam, with a small coat of black soil, and much the same as in the Eastern Townships. The Hills are more rocky than the Lower Lands. Above these fifteen leagues the soil on the small cultivable spots, is much the same as below, but the mountains are rocky and hardly cultivable. The course of the River is generally from north to south, inclining a little to the east, and it is navigable for five leagues from the Town of Three-Rivers to the Portage *Gabelle*. I do not recollect the length of the Portages, nor the height of the Falls, not having my memorandums with me, which I took when I travelled through that part of the country, these being at Three-Rivers, but I will send them on my arrival. From the Portage

Gabelle, about one mile to Portage *aux Grès* is navigable, and from thence about a league and one half to Portage *Shawinigan*, is again navigable for Bateaux, from thence to *aux Hêtres*, a league and a half from *aux Hêtres* to *Grand' Mère* about four miles, from thence to *Petit-Pile* about four miles, from thence to *Grand-Pile* about a league. The Saint Maurice from *Grand-Pile* for twenty-six leagues is navigable for Bateaux to the Portage of the *Tuque*, with a gentle current, with the exception of a few small Rapids.

The River Saint Maurice is entirely navigable for Bateaux, with the exception of the above mentioned seven portages, of which to the best of my recollection the shortest is about two acres, and the longest about nine acres.

There are a number of small Lakes, from which there arise small Rivers and Brooks, which discharge themselves into the Saint Maurice, but which are not navigable. But there are some larger Rivers which discharge themselves into the Saint Maurice, which are able to carry canoes; the first is the River which falls into the Saint Maurice at the Portage of *Shawinigan*, the next is the River *Mickinack*, about nineteen leagues from Three-Rivers, on the east side of the River, the next and largest one is the *Mattouin*, which is about one fourth of the size of the Saint Maurice, running from west to east, and falling into the Saint Maurice about twenty three leagues above Three-Rivers, on the west side of the River; this River is of considerable length. The next River is the River *aux Rats*, where there are some buildings belonging to the North-West Company, which are now deserted, about thirty-three leagues above Three-Rivers. Then comes *la Rivière Croche*, about thirty-eight leagues from Three-Rivers, on the east side of the Saint Maurice.

Above the River *aux Rats* about ten acres, there is a small one nearly as big as the River *aux Rats*, which falls into the Saint Maurice.

From the River *Mattouin* upward, mountains in many places come quite down to the shore, and are rocky, and some of them high. I can be positive in saying that the River Saint Maurice is navigable for about forty leagues, having ascended it myself in a Bateau that distance. We also drove up twenty-eight oxen in the summer on the banks, and on shore. In the winter 1819, we had about sixty train loads of Provisions going up the River, all the way on the ice, with the exception of the Portages, partly as far as twenty leagues, and partly as far as forty leagues. I was in this part of the Country early in the spring and late in the fall, and I observed that the frost was not earlier in the fall nor later in the spring than at Three-Rivers, and in the winter there was less

Snow in that part than at Three-Rivers. I have made these observations myself for two years. I have never been more than four miles back in the interior, leaving the Saint Maurice, but from the appearance of the Country on both sides of the River, for fifteen leagues above Three-Rivers, I am of opinion that there is extent of land on both sides so as to admit of large Settlements.

I have been in rear of Berthier, and have ascended the Assomption River, I also ascended the Champlain.

Q. To the best of your knowledge and judgment, do you think that there are any and what Waste Lands of the Crown susceptible of cultivation, lying in the rear of Champlain, Cap de la Magdeleine, Three-Rivers, Pointe du Lac, Machiche, River du Loup, Maskinongé, St. Cuthbert and Berthier?

A. My opinion is that, for forty-five miles from the Saint Lawrence, in the rear of the settlements in the above mentioned parishes, the greater part is susceptible of cultivation. This opinion is founded upon personal observation of the lands in the rear of Champlain, of the lands on the borders of Saint Maurice, and the lands in the rear of Berthier.

Q. What are the Boundaries of the Seigniory of Le Cap de la Magdeleine, and what is its extent?

A. It is bounded in front by the Saint Lawrence, on the west by the Saint Maurice, two leagues in front, and twenty in depth.—The Saint Maurice abounds with Fish; we caught and took in *Seines* and with hooks, Bass, Pike, Pickerel, Trout, the White Fish, such as they take it in Lake Ontario, and which is not met with in the Saint Lawrence; and there is likewise a sort of fish called *Ouatassa*, the English nor French name whereof, I do not know, weighing from one to two pounds, most of these, particularly the pickerel, are of a superior quality and flavour. When the canoes stopt in the evening, we found no difficulty in taking what fish we wanted for our supper, whilst the effects were taken out of the canoes, and fire was making by the men. There are Moose-Deer, Beaver, Otter and Rabbits in very great abundance, so much so, that we had no difficulty whatever to take so many as we wanted for twenty men; there are also some Ducks, but not many.

Q. To what extent do the actual Settlements in the Seigniory of Le Cap de la Magdeleine extend?

A. There is one Concession of forty arpents wholly settled, and one of twenty arpents partly settled; and five or six houses upon the Saint Maurice, below the Forges.

Q. What part of the Seigniory of Cap de la Magdeleine do you think would be best situated for a new Settlement, and what extent of ground would be found therein susceptible of cultivation? and are there any and what obstacles to be surmounted to effect such settlement?

A. Not having explored the rear of the Cap de la Magdeleine, and having no means of judging of the extent of good land in it, except of what I saw on ascending the Saint Maurice, as stated above, I cannot venture to offer the Committee any conjecture as to the extent of good land there; if upon enquiry, a Settlement was to be effected in the rear of the actual Settlements in that Seigniory, I apprehend that the best course would be to continue the road on the western side of the Saint Maurice, which leads from Three-Rivers to the Forges, being a distance of about three leagues, to continue that road to a point opposite the place in the Seigniory of Cap de la Magdeleine, where the new Settlement was to be effected, and communicate therewith by means of a Ferry. By this means settlements might be effected on both sides of the Saint Maurice, and one leading road, whereof three leagues are already made, would enable both Settlements to communicate with Three Rivers.

Q. Is there any and what interval of ground not susceptible of cultivation, between the Forges of Saint Maurice, and the cultivable ground of which you have already spoken?

A. Yes, about a league.

Q. Are there any and what number of Islands, and of what extent, in that part of the River Saint Maurice which you have explored, and of what quality of land?

A. There are fourteen or more small Islands from one to fifty acres in extent, about one half of these is good land and the largest are better than the smaller.

Michel Prevost, Esquire, one of the Members of this House, gave the following information:—

Q. Where do you live?

A. I have lived forty years in the village of Saint Jacques, situate in the rear of the village of L'Assomption, and four leagues north of the River Saint Lawrence.

Q. Have you had occasion to examine the lands situate in the rear of the Seigniory of Saint Sulpice?

A. Yes, for about three leagues. I do not know the name of the Township. No part of that Township is settled yet, with the exception of one English Family, which has been there since the Spring of 1820. At the end of those three leagues, there is a chain of Mountains, and beyond those Mountains, are rich meadows, on which some persons without any right whatever, have mown upwards of six thousand bundles of Hay. These Meadows are upwards of three leagues in extent. There are also two or three Lakes upon those mountains which abound in Fish.

These lands which are very fit for cultivation extend upwards of six leagues. The kind of wood produced there, is hard wood, Oak, Pine, and a great quantity of Maple. Fifty thousand pounds weight of Sugar and upwards, are made there annually. A number of Saw Mills might be erected there at the outlet of those Lakes. There are good Roads open as far as the Township.

Q. Would the youth of your parts desire to settle on those lands, and what prevents their so doing?

A. I believe many of them would settle there, because the whole Seigniori is already settled. Some of them had settled there, but having lost their Settlements, by means of the persons who have obtained Grants from the Crown, the others in disgust have avoided doing the same thing. They are besides given to understand that it is very difficult to obtain any, and that no survey has as yet taken place.

Jacques Deligny, Esquire, one of the Members of this House, gave your Committee the information following :

Q. Where do you reside?

A. At the village of Berthier, in the Seigniori of Berthier.

Q. Do you know the Crown Lands, in the rear of that Seigniori?

A. Yes, those called the Township of Rawdon and Kildare, the latter especially.

Q. What is the nature and quality of the soil in the Township of Kildare.

A. Most of the lands are susceptible of cultivation. There are some rocks. From what I have heard from all those who have visited the spot, the soil is a grey earth and clay, covered with black mould. Some other parts are yellow and sandy earth fit for Agriculture. The part of this Township granted to the late Mr. Vondenvelden, has been about ten years settled. The kind of wood in this Township is in great part hard wood. The rest of the Township is in a state of nature, with the exception of some acres which are cultivated by the Inhabitants of the Parish of St. Paul, who had no title. This was chiefly in hollows or meadows. The reason why those Crown Lands are not as yet settled, is, that the inhabitants do not know who to apply to for them, although they are in great want of them, and have already made repeated applications to the Government on this subject, without success. To such a degree are many of the inhabitants in want of lands, as even to have offered to purchase wood lands from the Seignior, but have been refused. To my knowledge many inhabitants who have applied to the Seignior of Sainte Elizabeth, for lands in that Seigniori, have not succeeded in obtaining a grant of them; the Seignior saying he could not at the time grant them. They lease to them, however, tracts covered with Maple (*des Sucreries*) at the rate of twelve pounds of sugar, for every hundred Maple Trees.

The Township of Rawdon, is separated from that of Kildare, by the Seigniori of Ramesay. Mr. Antrobus has no title to that Township, although he is in possession of it, and leases extensive Maple tracts (*Sucreries*) in that Township. The lands in that Township are very fit for cultivation, especially in the neighbourhood of the Lakes, which are in that Township. As yet, no part is settled.

Alexis Moussaux, Esquire, a Member of this House, gave the information following :—

That he knows the Townships of Kildare and Rawdon. Mr. Antrobus is in possession of the latter, and lets tracts covered with Maple, (*Sucreries*) but does not grant any land. The refusal of the Seigniors of

Berthier to concede lands in the rear of their Seignior, is the occasion of there not being any Roads for such inhabitants as might be induced to take lands in the Townships. The Seigniors refuse to concede all the good lands, as those which are covered with fine wood, &c. and only offer to grant those which are rocky and scarce fit for cultivation: If there are tracts of Maple, (*des Sucrieries*) on those good lands, they lease them.

Mr. Dumont, one of the Members of this House, appeared before your Committee, and stated as follows:—

It is impossible that lands as they are now granted, can suit the native French Canadians, for they cannot ever succeed in opening and cultivating their lands. For instance, a Canadian who is proprietor of a Lot in a given Township, settles there. He makes a clearing. He wants a cleared interval, *du Découvert*. He wants fences of separation. He wants water courses across several lots belonging to Government, the Protestant Clergy, or rich Proprietors. Is there a moral possibility of his procuring what is required of neighbourhood? This is one of the chief obstacles to the settling of the Townships.

Mr. Philemon Wright, of Hull, in the Province of Lower-Canada, appeared before your Committee and gave the following information:—

I have resided in this Country twenty-three years. Previous to residing in this country, I resided in the Province of Massachusetts; I was induced to come in this country, by the Proclamation of General Clarke, which held forth the prospect of obtaining lands, to persons desirous of investing Capital in land, and under their form of Government.

Q. Did you obtain a grant of any and what waste lands of the Crown, and at what time?

A. I was leader for a quarter of a Township. Ten of us obtained a patent for twelve hundred acres each. I surveyed the whole of the Township of Hull, wherein these lands were situated, being a Township of 82429 acres. I got the order in Council, on the 22d March 1800, the patent was issued in 1806.

Q. At what expense was this survey made?

A. I cannot speak to the exact amount of the expense, it could not be less than £700. The expenses were greatly increased by the remoteness of that Township from any other Settlement, being at a distance therefrom of not less than 80 miles. This Survey contained the concession lines as well as the outlines, and I have not yet been reimbursed by the other Grantees of the other three fourths of this Township, for their proportion of this expense.

Q. What portion of the land given to your associates, remained in their hands?

A. The agreement between me and my associates was that I should pay out of my own pocket, all the expenses of survey, of patent fees and travelling expenses, in consideration whereof, they were to assign to me, 1000 acres each, out of the 1200 assigned to them, which was accordingly done.

Q. What is the number of acres of ground cleared, in your hands and in the hands of your sons ?

A. About three thousand acres.

Q. In what state have been and are now the Roads and Highways in the Township of Hull, how and in what manner have they been made, kept up and repaired ?

A. When I first settled in the Township of Hull, there was not a single Tree cut down. I have opened all the roads with some assistance, to make it possible for my people to pass and repass. One stone causeway in particular, cost me above one thousand pounds. The total of the amount of money, spent by me and some of my neighbours upon these roads, for the twenty years past, amounts to £2211 17s. 6d. besides £955 expended by the Commissioners of the County of York, making a total of £3166 17s. 6. and the roads in the front of the Township are now very good.

Q. What is the extent of the Roads made in the said Township, with this money ?

A. About thirty miles.

Q. Are there any and what obstacles to making roads in the new Townships ?

A. The Crown and Clergy Reserves, constitute one great obstacle to the improvement of the Internal Communications of the Townships. The large tracts of Land, in the possession of proprietors absent from the Province, constitute another great obstacle.

Q. What is the state of Education in that Township ; what is the number of Schools and Scholars, and what is taught therein ?

A. There are three School Houses, and about 150 Scholars, who are taught Reading, Writing and Arithmetic.

Q. What are these Schools maintained by ?

A. By voluntary subscriptions for ten years past. Twelve years ago there was a Schoolmaster sent to Hull by Government, but he only staid two years and then he left the Settlement.

Q. How are the Roads from Hull to Montreal ?

A. The Communication from Hull to Montreal is bad, impracticable for any horse or team. There has been, by the Commissioners for the County of York, a Road cut out of sixteen feet wide, for sixty-four miles to the head of Long Sault, and there has been seventy-one Bridges built. There are four places where either ferries must be established, or large Bridges built, and the ravines or gullies filled up to enable Teams to pass. The remaining sixty miles to Montreal are passable.

Q. Are the Lands through which the road from Hull to Long Sault passes in the hands of large or small proprietors ?

A. Generally in the hands of large proprietors, absentees from the Province.

Q. Have you had any and what means of obtaining information of the quality of the soil on the north shore of the Ottawa ?

A. For the last twenty-three years, I have devoted much of my time to obtain this information, and I believe the soil to be very good for stock farms in particular, and any other uses.

Q. Do you think that there is any considerable tract of country in the

rear of the present settlements, fit for cultivation, on the north shore of the Ottawa?

A. Yes, I consider it fit for settlements up the River Ottawa, for one hundred miles, even the whole of the north shore, from River du Loup about two hundred and fifty miles to Fort Coulanges. And I have been credibly informed that the Country to the Lake Temiscaming, which is said to be as large a Lake as Lake Champlain, is fertile, and will make good Settlements in some future time. Mr. McKay sent down his Boats two years ago in the Spring, and got thirty-six bushels of potatoes, and planted them on Lake Temiscaming, he has since told me that they grew exceedingly well. He took likewise up some Peas and other seeds, which succeeded likewise well. He likewise purchased in the Township of Hull, a Bull, some Cows and Calves for the use of his Farm on that Lake. The distance of this Lake from Montreal is about four hundred miles to the north-west. I was likewise applied to about two years ago, by a Mr. Fisher, on the Lake Sable, about ninety miles to the north of the Grand river, up the river *aux Lièvres*, for a Bull, a Cow, and a Heifer Calf, and he drove them from the Township of Hull to the Lake Sable. I am since informed that he is doing extremely well.

Q. Could a Road be carried from the Township of Hull to any and what point of the River Saint Maurice, or to any and what point of the Rivers emptying themselves into the Saint Lawrence, between the Embouchures of the Ottawa and the St. Maurice?

A. I am of opinion, and have been so for a number of years past, that a Road might be made from the Township of Hull to the Saint Maurice or River du Loup; but I have no personal knowledge of that tract of Country, and if a Road should be opened, and a tier of Townships or Seigniories laid upon this Road, it would be of great benefit.

Q. What is the number and names of the Rivers lying in and between Hull and the mouth of the Ottawa, distinguishing those which fall in the northern side and those which fall in the southern side? What is the size of those Rivers. are they navigable to any and what distance, for any and what description of vessels, what is the general exposure and climate of the Country, so far as has come to your knowledge?

A. The River Rideau falling into the Ottawa from the south, betwixt the Townships of Nepean and Gloucester; it is navigable only for Canoes, and winds through about ten Townships, coming a distance of sixty or seventy miles; there is a large number of Lakes at its source. The River Gatineau falling into the Ottawa from the north, betwixt the Townships of Hull and Templeton; it is navigable for Steam-Boats and other small vessels for about six miles, then it becomes rapid for about fifteen miles, and it turns two mills. The width of this River is from ten to twenty chains; it comes a distance of three hundred miles from the north west, it has a communication with the Black River with Batteaux and Canoes for almost the whole distance. The River Blanche falling into the Ottawa, in the lower part of the Township of Templeton, from the north, it is about two chains wide and navigable for Batteaux in the Spring of the year, about fifteen miles, then it becomes rapid, its length is about one hundred miles. The river *aux Lièvres* falls in the Ottawa from

the north, in the Township of Buckingham, is about ten chains wide, is navigable for Steam-Boats or Vessels nearly two miles, then it becomes rapid for about four miles, then it is navigable for Batteaux the distance of thirty miles in very smooth water. About ninety miles up is the Lake Sable. I do not know the size of this Lake but it is large and navigable, and a great fishing Lake. There is the Settlement of Mr. Fisher on this Lake. This River is still navigable at the head of the Lake to a great distance to some other Lakes. The River Blanche, falling into the Ottawa on the north in the Township of Lochaber, is about two chains wide, navigable for Batteaux, five or six miles, in the Spring only. The River Petite Nation, falling into the Ottawa on the north, in the Seigniori of the Honourable L. J. Papineau, is about three chains wide, and navigable for Batteaux five miles nearly the whole year. There are mills on this River; five miles up above this distance the river is rough and rapid, and comes from a number of Lakes about one hundred miles in the interior. The River Petite Nation falling into the Ottawa on the south, in the Township of Plantagenet, and is navigable for Batteaux for six miles. There are some Mills at that distance. This River is navigable for Batteaux in the Spring for forty miles from these Mills. The Big Salmon River, falling into the Ottawa, north, in the Seigniori of the Honourable L. J. Papineau, is about two chains wide, navigable for Batteaux in the Spring only, and I suppose it comes a distance of about fifty miles. The small Salmon River, falling into the Ottawa on the north, in the same Seigniori, is about two chains wide, and only navigable for Canoes for a small distance. I suppose it comes a distance of about forty miles. The River Rouge, falling into the Ottawa on the north in the Township of Grenville, about four chains wide, not navigable; it comes a distance of about forty or fifty miles from some Lakes. The River Callemant, falling into the Township of Grenville, about one chain wide, is very rapid, and not navigable but a small distance; fine Falls for Mills; and the Quarries are said to be of Marble; comes a distance of about forty miles. The River called North River, falling into the Ottawa on the north, in the Seigniori of Argenteuil, about three chains wide, navigable for Batteaux, about three miles, and afterwards for Canoes with the exception of some Rapids. There are Mills in divers places on this River; its length is about one hundred miles, coming from Lakes. The River Duchêne, falling into the Ottawa on the north, in the Seigniori of River Duchêne, about one chain wide, not navigable; but there are several Mills on this River. The River l'Assomption, falling into the Ottawa on the north, in the Seigniori of St. Sulpice, about two chains wide, navigable for Batteaux a good way up, but I am not able to state the distance, I believe. Rafts of Planks come down that River about twenty miles in the Spring. It comes a great distance out of the Country, but I do not know that distance. Each of these Rivers is well stocked with Fish. The Country generally on the Banks of these Rivers is fertile, but some are subject to overflow in the Spring. Its having an exposure to the south causes the climate to be more mild, and one can generally plough one week sooner on the north shore than on the south, owing to this exposition. There is only one ridge of land running a distance of about three

hundred miles from Quebec to the Township of Eardley, which in some places is quite rocky, but the land behind is considered fertile but hilly.

Q. What would be the length of Road connecting the Lower Canadian Settlements from River du Loup and Masquinongé to Hull, in as straight a line as the nature of the Country would admit?

A. I should think about one hundred and sixty miles.

Q. What is the expense of clearing and fencing an acre of wild land, and what is the usual produce of an acre of wild land, and in what consists the process of clearing?

A. The expense of clearing an acre of land is £3, the produce is from 200 to 400 bushels of Potatoes per acre, or 25 bushels of oats, or 25 bushels of wheat, or 30 bushels Indian Corn, or 200 bushels Turnips. The process of clearing consists in three things, first, cutting down the under brush, which is worth 7s-6d. secondly, chopping down the wood in rows two Rods wide, worth 25s. thirdly, Firing, Burning and Branding fit for the Harrow, worth 27s-6d. then the work is done.

Q. What would be the expense of putting in the Crop per acre?

A. The common price is ten shillings.

Q. Do not the poorer sort of settlers find themselves occasionally constrained to adopt a more imperfect mode of clearing, and what is that mode?

A. Yes, they first cut the brush and small trees, leaving the large trees standing, which shade the land, so that they do not get more than half a crop.

TOTAL OF A STATISTIC ACCOUNT TAKEN FOR THE YEAR 1852.
TOWNSHIP OF HULL.

Belonging to the concern of P. Wright & Sons.	164	11	177	307	59	40	296	45	5	4	3025	168	90	62	80	22	32	135	1	2865	1780	1705	2135	310	490	26309	110	4	1	2	830	1220	1612	50	4	10	15		
	Belonging to the Inhabitants.	119	33	241	296	94	518	217	7	6	2395	233	87	150	338	16	54	119	7	3246	1259	3465	6110	211	794	30875	270	1	2	637	1007	1689	22	15	15	47			
		TOTAL.	283	34	418	503	153	538	304	45	12	10	5430	401	177	512	418	32	86	254	8	6111	3019	5170	8945	521	1294	47375	780	5	3	2	1457	2237	2301	42	17	25	62
		Labouring Men.																																					
		Ditto Women.																																					
		Oxen,																																					
		Cows.																																					
		Horses.																																					
		Sheep.																																					
		Swine.																																					
		Goats.																																					
		Bulls.																																					
		Seed Hogs.																																					
		Acres of cleared land.																																					
		Do. in Wheat.																																					
		Do. do. Rye,																																					
		Do. do. Oats.																																					
		Do. do. I. Corn.																																					
		Do. do. Beans.																																					
Do. do. Pease																																							
Do. do. Pot.																																							
Do. do. Flax.																																							
Produce from the above acres of wheat.																																							
Do. do. Rye.																																							
Do. do. Oats.																																							
Do. do. I. Corn.																																							
Do. Do. Beans.																																							
Do. do. Pease.																																							
Do. do. Potatoes.																																							
Do. do. lbs. Flax.																																							
Mills.																																							
School Houses.																																							
Distilleries.																																							
Acres of Mowing Land.																																							
Tons of hay cut from those acres.																																							
Acres of Pasturage.																																							
Framed Barns.																																							
Block Ditto.																																							
Framed Houses.																																							
Block Houses.																																							

Heads of Families, - - - - -	79	Deaths during the period of 30 years in the Township, - - - - -	165
Labouring Men, - - - - -	283	Ditto, now absent, - - - - -	68
Children under 20 years, - - - - -	238	Total Births, - - - - -	235
Women, - - - - -	113	Total number of Horn'd Cattle belonging to P. Wright and Sons, - - - - -	329
Total population, - - - - -	705	Ditto ditto Horses, - - - - -	29
Deaths under Ten Years of Age, - - - - -	10	Total number of Domestic Cat- the belonging to P. Wright and Sons, - - - - -	795
Ditto, by accident, - - - - -	5	Ditto belonging to the Inhabitants of the whole Township, - - - - -	2174
Ditto, Grown People, - - - - -	10		
Total of Deaths within the Period of 30 years in the Township of Hull, - - - - -	25		

Value of Property,	P. Wright, and Sons.	Inhabitants.	Total.
Clearing Land, - - - - -	£ 12100 0 0	9580 0 0	21680 0 0
Mills, - - - - -	4400 0 0	300 0 0	4700 0 0
Distilleries, - - - - -	3000 0 0		
School Houses, - - - - -	100 0 0	150 0 0	250 0 0
Stone Houses, - - - - -	5000 0 0		
Framed Houses, - - - - -	4450 0 0	3000 0 0	7450 0 0
Framed Dwelling do. - - - - -	750 0 0	2250 0 0	3000 0 0
Framed Barns, - - - - -	4000 0 0	4400 0 0	8400 0 0
Block ditto, - - - - -	100 0 0	650 0 0	850 0 0
Block ditto, - - - - -	£ 51000 0 0	20630 0	51530 0 0

TOWNSHIP OF HULL.

A. I have passed through the Townships of Chatham, Buckingham, Templeton, Hull, Hardley, and Onslow, and I have been rather particular in my observations. I have observed the lands on both banks of the Ottawa, without examining them however particularly.

A. Speaking of the face of the country in a general sense, it is very susceptible of making grazing farms. In the Township of Grenville, there are three Rivers of note, viz ; the River Rouge, the River Calumet, and another considerable River whose name I do not know. In Buckingham there is a considerable one called the River *aux Lièvres*, and several small Lakes. In the Township of Templeton, the River Blanche, and a number of small Rivers. In Hull a large River called Gatineau, and also small Rivers. Eardley is well watered with small Lakes, but there are no considerable Rivers. In Onslow there are no considerable Rivers, but it is well watered with small Lakes. All the rivers of which I have now spoken fall into the River Ottawa. The River Rouge is navigable for Indian Canoes, which go trading into the back country, as are also the rivers *aux Lièvres* and Gatineau. This last River is about fifteen miles from river *aux Lièvres*, and river *aux Lièvres* is about forty-five miles from river Rouge. The River Gatineau in Hull is indeed navigable for Steam-Boats, or the heaviest Batteaux, for five miles from the Ottawa. It is about half a mile wide, and the Indians navigate it for a distance of about three hundred miles. Its local situation is such that it falls in at the greatest extent of navigation for heavy vessels for one hundred and twenty miles above Montreal, and it is just opposite the Falls of Rideau on the south shore of the Ottawa. Between the western part of Hull and the eastern part of Eardley, there is a beautiful chain of Lakes extending about ten miles. The other Townships are particularly well watered with small Rivers and Lakes, and of an excellent quality for grazing. All kinds of timber are in abundance in these Townships ; but the predominant quality is Maple, Bass-Wood and Pine. From the head of the Long Sault to the Falls of the Chaudière, the soil is generally a fine deep meadow soil, within the distance of about a mile and a half of the Ottawa ; but the back lands are of an uneven surface, and of various qualities of soil. But with very small exceptions, the whole is as I have already said, well adapted for Grazing Farms.

A. In the Townships of Grenville, Buckingham and Templeton, I do not believe there are more than ten absolute Settlers. In the Town-

ship of Hull, there may be about one hundred and twenty. In that of Eardley, three settlers. In Onslow there is only one. In the extent of ninety miles on the north side of the River Ottawa, there is only the Banks of one Township, which is that of Hull, in cultivation, and that extent is about seven thousand acres. In all the other Townships there is not more than three hundred acres in all, in a state of cultivation. The rest is still a perfect wilderness.

Q. To what cause do you attribute these excellent lands remaining waste?

A. I should think from the Banks of the Ottawa to the extent of about five miles, being granted to individuals who have within the last twenty year been in possession of them, but have shown no disposition of settling them, nor of permitting any persons to do so, except at a price of from four to six dollars per acre. Another cause also, is that the proprietors of part of those lands cannot be discovered. I could mention also that for want of finding out who the Proprietor of an extent of about one thousand acres in the Township of Buckingham, is, it has been impossible to erect a ferry across the river *aux Lièvres*, and a number of cattle have been lost in consequence thereof, crossing the mouth of that River. The great expense which has been laid out by the Commissioners for the County of York, in making a Road from the head of the Long Sault to the Lake of the *Chats*, is in some measure rendered useless for the present, by reason of not being able to establish this Ferry. The back lands of the said Townships are yet waste, ungranted, and not surveyed, with the exception of that of Hull.

Captain Fougère appeared before your Committee.

Q. Do you know the Magdalen Islands?

A. Yes, I know them.

Q. How many of them are there to the best of your knowledge?

A. Five.

Q. What is their extent?

A. Brion Island may be sixty or seventy arpents square. The two Bird Islands may be four square arpents each in extent. Entrée Island may be nearly one hundred square arpents in extent. L'Isle Royale, on which there are settlements, is seventeen leagues in length. In some places it is about three miles wide, in other places only an arpent. Its breadth is very unequal. These Islands produce absolutely nothing; even Potatoes generally fail there.

Q. What was the number of Inhabitants on those Islands when you first knew them?

A. About fourteen or fifteen.

Q. What was the number of Inhabitants on those Islands when Sir Isaac Coffin took possession of them?

A. There were about eighty families.

Q. Whence came the first inhabitants of those Islands?

A. They were Acadians or Canzdians.

Q. How many are there at present on those Islands?

A. One hundred and thirty-three families.

Q. Of what Country?

A. All Canadians and Acadians.

Q. How do these people earn their living?

A. By the Cod Fishery and pursuit of the Sea Cow? but the latter ceased about seventeen years ago, and no longer exists.

Q. How did Sir Isaac Coffin gain possession of those Islands?

A. I have heard that those Islands were given to Sir Isaac Coffin for his meritorious services as a British Admiral.

Q. Did Sir Isaac know or was he ignorant that those Islands were settled?

A. He knew it.

Q. Do you know whether Sir Isaac has caused to be paid or has enacted Rents from Persons who were so in possession of lands in the said Islands?

A. He caused each person, or every person in possession of a fishing ground, to pay six dollars a year for the ground from the moment of his taking possession. He then leased the Islands to one Mr. Irvine of Halifax for the term of five years; at the expiration of which Sir Isaac after a Law Suit with Mr. Irvine, demanded of the inhabitants the rent for five years, but most of the inhabitants constantly refused to pay the rent exacted, and the matter is in litigation at the present moment.

Q. Are the inhabitants of those Islands satisfied with the conduct of Sir Isaac Coffin?

A. They complain of it. They have often demanded of him, and once more especially in my presence, that they would put them in possession of their Fishing grounds, but he has constantly refused to grant those lands to them, saying they belonged to him, and that he demanded the above mentioned rent of six dollars. The inhabitants very often suffer great inconvenience from the Shipwrecks which frequently happen on those Islands, being each family sometimes obliged to support three or four persons who would perish without such succour. Whereby those poor inhabitants are very often exposed to want provisions for themselves by reason of their remoteness from the Island of Saint John, or other places whence provisions can be had, besides that for six or seven months in the winter the communication with every other part of the world is entirely cut off.

Q. Is the Fishery considerable at present?

A. The Fishery has greatly diminished for fifteen or sixteen years, and is at present less than it was formerly by one third.

Captain Fougère wishes to add that the inhabitants, instead of being discouraged by annual rents, ought rather to receive encouragement to remain there, and that stores ought to be established there because of the Shipwrecks which annually take place there

that the Islands produce absolutely nothing ; and that he has himself for ten years past or thereabouts, brought off those Islands about a hundred shipwrecked persons every year, who without the aid of the inhabitants would have perished.

Mr. Claude F. Grenier appeared before your Committee.

Q. Do you know the Magdalen Islands ?

A. Yes, I know them, I lived there from 1791 to 1812.

Q. How many of them are inhabitable ?

A. Five of them are inhabitable, but some of them are not so.

Q. Do those Islands produce any thing ?

A. They only produce a few potatoes, and those in favourable Seasons only.

Q. What was the number of inhabitants on those Islands when you first went there ?

A. Thirteen heads of Families.

Q. What was the number of Families when Sir Isaac Coffin took possession of them ?

A. Sir Isaac Coffin took possession of them in 1798, and there were then a hundred families in those Islands ?

Q. Whence came the earliest inhabitants of those Islands ?

A. They were Acadians.

Q. How do those inhabitants earn their living.

A. By the Cod Fishery, and in the Spring some of them go in pursuit of Seals. Formerly the Sea Cow abounded, but that has been over for 25 years.

Q. How did Sir Isaac Coffin gain possession of those Islands ?

A. By grant. I have seen the instrument myself, which was executed I believe by Lord Dorchester in the year 1798.

Q. Did Sir Isaac know those Islands were settled ?

A. He knew it, for before he took possession he sent Agents thither to ascertain the matter.

Q. Do you know whether Sir Isaac has caused to be paid or has exacted rents from persons who were in possession of lands on the said Islands after he obtained possession of them ?

A. Yes, he has demanded six dollars or two hundred weight of Cod Fish from every head of a Family annually, from the moment of his taking possession. Some of them have paid, but others being too poor, have been unable to pay, and he has threatened to prosecute them but has not hitherto done so. The inhabitants of these Islands have demanded that possession of their Fishing ground, and other ground be given them, which he has always refused. The inhabitants of those Islands are very poor, being obliged to subsist wholly by Fishing, the soil producing nothing in many places, not even potatoes. There are usually two Shipwrecks every year, more or less, and the persons shipwrecked are

at the mercy of the inhabitants, who, although poor, share their small stock of provisions with those unhappy persons. To my knowledge almost every inhabitant has had as many as two or three shipwrecked persons to support for six months and sometimes longer, there being no intercourse with the rest of the world during the winter months. I think these people ought rather to be encouraged, than discouraged as they are by the imposition of Rents, in consideration of the great services which they render, as without their assistance almost all the shipwrecked persons who are cast upon those Isles would perish. It would be necessary to establish Stores of Provisions to have recourse to in case of need, as the Islands produce absolutely nothing.

André Tsonhahiffan, second Chief of the Lorette Indians, appeared before your Committee, and made answer as follows to the questions put to him.

Q. Are you acquainted with the lands on the further side of the River Jacques Cartier, north-east of the Seigniory of Faufembault? Of what quality are they?

A. Yes, I know those lands. They are susceptible of cultivation as far as the River aux Pins, and even for some distance along that River. A Concession might be made on each side of that River.

Q. Where does the River aux Pins rise, and what is its direction?

A. It flows out of Lake Cutiatendi, in a southerly course until it empties itself in Lake Ontarietfi, which has an outlet leading into the River Jacques Cartier.

Q. What is the breadth of the River aux Pins?

A. It's mean breadth is one perch or thereabouts.

Q. You hunt in those parts. What your Game, and how long does your hunting season last?

A. We hunt as far as the sources of the Rivers Ste. Anne and Batiscan. We take Beaver, Otter, Martin, yet those animals are less numerous than formerly. Our Hunting Season begins about the Twenty-fifth of March, and towards the end of May we return. Some Hunters begin about Michaelmas and return when the Rivers are frozen.

Q. What kinds of Timber are there on the grounds you so hunt upon?

A. Black Spruce and Fir. The only Trees there having broad leaves are the White Birch and Service Tree. The Country is very mountainous.

Q. What Lakes are there in those parts?

A. A great number, large and small. They contain Trout and White-Fish.

Q. What Rivers are there ?

A. The River that is met first is the River Sainte Anne, the next is the Batiscan, and their several branches.

Q. Are there any Ravines, and how do you cross them ?

A. There are several. When they are not too wide we cross them on a tree which we fell for the purpose, when they are too wide to be passed in that manner, we use small rafts.

Q. Of what quality are the lands in the Seigniorship of Saint Gabriel, on the further side of the River Jacques Cartier ?

A. The lands on the further side of the River Jacques Cartier, within the Seigniorship of Saint Gabriel are mountainous. Some Settlements might nevertheless be made in the neighbourhood of Lake Tsonnontouan, where there is good hard wood.

Q. Would it be practicable to make a road through the gorges of Mount Tsonnontouan to the River aux Pins ?

A. Yes, a Road might be made there, but it would be necessary to remove a large quantity of Stone.

Q. Where do the Rivers Jacques Cartier, Ste. Anne and Batiscan rise ?

A. The River Jacques Cartier runs out of a Lake in rear of the little River of Malbaie. The River Sainte Anne rises in rear of Beauport, and so does the River Batiscan.

(C.)

RESOLVES OF THE COUNCIL.

That the progress of population and settlement in this Province under the Government of France, whatever the cause or causes of it was slow, the cultivated parts even in the central Districts of Quebec, Three-Rivers and Montreal, being to this day confined to the banks of the St. Lawrence and the mouths of the navigable Streams that fall into it.

That the Royal Patents, Grants or Concessions of the lands, were either in Seigniorship or in Roture; the latter consisting of Town-Lots, Farms or small tracts, and the Seigniorships, larger tracts of various dimensions, many of which are in the rear, or at a few leagues from the convenience of water carriage, still in Forest.

That the French King's territorial revenue arose from Quints or alienation fines of one fifth of the consideration money payable by the purchaser of the lands held in Seigniorship; and of Lods: Ventes of one twelfth on the sale of lands held in rotture; the lands in rotture ordinarily paying also Cens et Rentes, the Cens being one Sol, or an English halfpenny for a front of one acre or

180 French feet, and the Rente, another Sol for every acre of the Concession, with a bushel of Wheat for every forty acres, or two fat Capons of the value of twenty sols.

That the French Crown did not exact its whole dues, but remitted a third both of the Quint and Lods et Ventes.

That the Seigniories were parcelled out into Farms, and these conveyed by the Seigniors under like charges of Cens et Rentes, and subject to Lods et Ventes, except where a large parcel had been granted in arriere Fief; on the subsequent transfers whereof a Quint became due to the Seignior without Cens et Rentes.

That all the grantees as well of the Crown as of the Seigniors, had permanent Estates, under an habendum to them, their Heirs, and Assigns.

That according to the Receiver-General's accounts, the Territorial Revenue for the thirteen years from 1st May 1775, to the 1st May 1788, (comprehending arrears,) was in actual receipt at the Treasury, not equal to Ten Thousand pounds sterling.

The Lods et Ventes being but	£1351	9	5½
The Quints,	3148	1	4½
The Balance of Royal Rents from all the King's			
own Seigniories, Sorel excepted,	4554	7	5½

From Sorel,

£9053	18	3½
216	19	11
£9270	18	2½

Which together with certain Duties of Customs fixed by Act of Parliament, is by the Royal grace given to the Province towards the support of its Government.

That in exploring the causes of the tardy progression of the population of the Colony under the Government of France, there seems to be little or no ground for ascribing it to the non-compliance of the Seigniors with the conditions for cultivation expressed in their Patents or Grants; the instances of prosecutions for taking an advantage of those conditions, and returning their Seigniories to the Royal Domain, being rare, and the Seigniorial Censitaires so much more numerous than the King's, that the former, or the inhabitants of the Seigniories, at all times did, and do now, constitute the main body of the Landholders of the Country.

That the Feudal System, if that was amongst the causes of the non-settlement and proportionable debility of the French Colony,

operating to a discouragement of the Royal Grants, as well as the Grants of the Subject, there can be no ground for holding the Grantees to a rigorous performance of the conditions of their Grants.

That it was among the main causes of that low condition in which Canada was found at the British Conquest, is deducible from the probability that many thousands of Families had found their account in emigrating from the exuberant population of the Kingdom of France, if the Government had given their lands here upon easy terms, and especially in the fertile Regions and moderate climates, on the Banks of the Rivers and Lakes in the south and south-west.

That the discouragement of that system to the settlement of the old French Grants, must in future greatly increase; the population depending now upon the introduction of British subjects, who are known to be all averse to any but English Tenures; and the Canadian Seigniors of course be left without a hope of multiplying their Censitaires, except from the predilection of the descendants of the French Planters, to usages no longer prompted by interest, nor recommended by example.

That the grant of the Waste Lands of the Crown in free and common socage, is essential to the growth, strength, defence and safety of the Province.

That unless the old French Seigniories can be settled upon terms as advantageous to the Husbandman as the lands of the Crown, their land market must be at a stand, to the detriment of the Proprietors, until the cultivation of the waste lands of the Crown is damped by their remoteness from all water carriage, and the conveniences and benefits of commerce.

That with the advantage of a vicinity to the Navigable waters, and a conversion of the tenures, the Seigniories will probably be the first to be fully cultivated, and with an increase of profit to the proprietors, under that ample dominion which they will then enjoy over their lands, for settling them upon such terms as themselves may concert, to form a populous tenantry, and lay a foundation in property for that perpetuity of their names and families, which a wise and well balanced Government will be inclined to encourage and support.

That the King's Roturier Tenants cannot fail to wish for a conversion and discharge from the Cens, Rentes, and Lods et Ventres, and all the other feudal burthens connected with the Tenure under which they now hold.

That the motives of interest will naturally make it the desire also of every Seigniorial Censitaire, to stand upon the same free foundation of exemption with the other landholders of the

Colony; but as this commutation for a discharge of the rents and dues to the Landlords, must necessarily depend upon private conventions between them and their Tenants, and involving considerations, out of the contemplation of any but the parties reciprocally interested, their cases cannot be the objects of special and particular Legislative provision; perhaps the surest means of securing to the Tenant a fair compact, will be to hold the Lord to his dues to the Crown, until he has discharged his Tenants from the feudal incumbrances in his own favour.

That the Prerogative is competent to put the waste Lands of the Crown under a Soccage Tenure. But the Legislative interposition is necessary to make that Tenure universal.

That if this is to be the work, not of Parliament, but of the Colony Legislature, the Royal instructions given for the greater security of the property of the subject, will require an Act with a probationary or suspending clause, until His Majesty's approbation can be obtained.

That an absolute and universal Commutation of the ancient Tenures, though for the better, would be a measure of doubtful policy; but that no substantial objection occurs against giving such individuals that benefit as desire it; and especially to such of the Seigniors whose Tenants or Censitaires shall conceive it to be for their own, as well as for the interest and benefit of their Landlords; and may therefore signify their consent to the change.

That the ends may be accomplished by a Law with clauses to the following tenor or import:—

Be it enacted &c.

That if any person or persons holding Lands in the Province of Quebec in Fief and Seigniorly immediately of the Crown, and having authority to alienate the same, shall at any time after the commencement of this Act, surrender the same into the hands of His Majesty, his Heirs or Successors, by Petition to the Governor or Commander in Chief of the said Province for the time being, setting forth that he, she or they, is, or are desirous of holding the same in Free and Common Soccage, such Governor or Commander in Chief for the time being, shall cause a fresh grant to be made to such person or persons of such lands to be holden in Free and Common Soccage. And every such change of Tenure shall work the absolute extinguishment of all mutation fines, burthens and incumbrances within the tract so surrendered and regranted, to which the same or any part thereof would or might have been liable under the laws and customs concerning lands held in Fief and Seigniorly, or in any other manner than in Free and Common Soccage.

Provided nevertheless, and be it also enacted, that such surren-

der and re-grant shall not avoid or bar any right to any such lands so surrendered, or any interest in the same, to which any other than the person or persons surrendering the same, shall have been entitled either in possession, remainder or reversion, or otherwise ; but that every such right and title shall be as valid as if such surrender and re-grant had never been made.

And provided also, and be it enacted by the authority aforesaid, as to all such Lands as are held of the Crown in Roture in the said Province, the same shall be deemed and adjudged to be held in Free and Common Soccage, from the time it shall please His Majesty, by any instrument to be issued under the Great Seal of the said Province, to declare the discharge of all Cens et Rentes and Mutation fines due to the Crown thereon.

And provided also, and be it further enacted, that nothing in this Act contained shall be of force until His Majesty shall have signified his Royal Assent to or allowance of the same.

And to provide for the case when it may happen, that the Seigneur may be desirous of the conversion of the Tenure of the Seigniory and some of the Vassals or Censitaires of it, disinclined to the change ;

Be it also enacted by the same authority, that in every such case the Petition for a Surrender, as well as the Patent for the re-grant thereof, shall express and describe with competent certainty, the situation and real contents of the Lands and Estates of all that are so disinclined to a change of Tenure : and those parcels, shall be excepted out of the said re-grant, and remain in all respects as if such re-grant had never been made. But that from and after such re-grant, one fifth part of all such Lods et Ventes or Mutation Fines, to accrue on the alienation of such excepted parcels, shall be paid by the Proprietor or Proprietors of the Seigniory, for the use of His Majesty, his heirs, or successors : and shall and may be secured by proper clauses and provisions, to be expressed in such Patent of re-grant.

DISSENT.

Mr. Mabane's reasons of dissent from the Resolutions and Motion of the Chief Justice adopted by the Committee.

Because the Resolutions moved for do not appear to apply to the object of the reference.

Because it appears that the slow progress of population and settlement under the Government of France, cannot be ascribed to any inherent vice in the several Tenures under which Lands are held in the Colony, that it arose from the difficulties which the first settlers found in contending with the fierce and Savage Nations which surrounded them, from their frequent wars with the

British Colonies, and above all, from their repeated expeditions in the upper countries and toward the Ohio, in which the ambitious policy of France had forced them to engage.

Because it appears evident from the rapid and almost unexampled progress of population in the Province (from its own resources) being from 65,000 souls in the year 1766, to about 120,000 in 1784, and who are now chiefly employed in Agriculture, that the present Tenures are not inimical to population and settlement of the Colony.

Because the King's Rights in the ancient Tenures of the country being expressly reserved in the Act of the 14th of the King, and by His Majesty's gracious bounty appropriated to defray the expenses of Civil Government, ought not to be relinquished or sacrificed without an equivalent compensation.

Because however unproductive the Territorial Revenue may have hitherto been from the indulgence or supineness of Government, no judgment can be formed from the sums actually collected, of the Revenue that may hereafter arise therefrom, which must increase in proportion to the Population and Commerce of the Province.

Because the predilection of the native inhabitants of the Province to their ancient Tenures and laws, ought not to be interfered with unless by their own consent, and on the strongest and clearest grounds of public utility.

Because the alterations proposed by the Resolutions or any other conversion of Tenure tending to give the Seigneur a more absolute and unconditional possession of the Fief would not only be a sacrifice of the King's Rights, but would defeat the wise intentions and beneficent effects of the Arrêts of 1711 and 1732, and the declaration of 1743, by which the Seigneur is obliged to grant to such persons as will apply for them for the purpose of improvement, Lands in Concession subject only to the accustomed and stipulated Rents and dues, and upon his non-compliance the Governor is authorized on the part of the Crown and for the benefit thereof, to the exclusion of the Seigneur for ever, to concede or grant the Lands so applied for. By the same law the Seigneurs are forbid under pain of nullity and a reunion to the Crown of the Land attempted to be sold, to sell any part of their unimproved Lands or en bois debout, dispositions of law highly favourable to the improvement of the Colony, and which secure to the Children of the Censitaires or others the means of settlement and of employing their industry in cultivation on fixed and moderate terms, whereas if the conversion of the Seigniories into Free and Common Soccage should take place, the children of the present inhabitants of the Country and all others desirous to settle

thereon would be left entirely subject to the arbitrary exactions of the Seigniors to their infinite prejudice and the manifest detriment of the country's improvement.

Because it appears that the services or burthens to which the Censitaires under concessions from Seigniors are subject, are few, clearly understood and ascertained and are by no means onerous or oppressive.

J. WILLIAMS, C. L. C.

(D.)

HOUSE OF COMMONS,

FRIDAY, 4th March, 1791.

Mr. Chancellor Pitt moved, " That His Majesty's Message concerning the new constitution for Quebec might be read."

It was read accordingly.

GEORGE R.

His Majesty thinks it proper to acquaint the House of Commons that it appears to His Majesty, that it would be for the benefit of His Majesty's subjects in his Province of Quebec, that the same should be divided into two separate Provinces, to be called the Province of Upper-Canada and the Province of Lower Canada; and that it is accordingly His Majesty's intention so to divide the same, whenever His Majesty shall be enabled by Act of Parliament to establish the necessary regulations for the government of the said Provinces. His Majesty therefore recommends this object to the consideration of this House.

His Majesty also recommends to this House to consider of such provisions as may be necessary to enable His Majesty to make a permanent appropriation of lands in the said Provinces, for the support and maintenance of a Protestant Clergy within the same in proportion to such lands as have been already granted within the same by His Majesty; and it is His Majesty's desire that such provision may be made, with respect to all future grants of land within the said Province respectively, as may best conduce to the same object, in proportion to such increase as may happen in the population and cultivation of the said Provinces; and for this purpose His Majesty consents that such provisions or regulations may be made by this House respecting all future grants of land to be made by His Majesty within the said Provinces, as this House shall think fit.

G. R.

Mr. Chancellor Pitt then moved, " that the act of the 14th of His Majesty respecting the said Province be read," and the title being read *pro forma*, he observed that the purport of his motion was to repeal part of the above act, and to introduce new regulations for the future government of the said Province. Feeling the importance of the subject, he should have been desirous of stating fully to the House the grounds and the principles on which he meant to proceed in forming a constitution for a valuable appendage to the British dominions, which, he trusted would contribute to its future prosperity; but as it was not likely that any op-

position would arise against bringing in a Bill for this purpose, and as explanation would come with more propriety when the Bill was before the House, he should state only in a few words the outlines of the plan, unless questions were asked or explanations demanded in the first instance. The Bill which he meant to propose was founded, in the first place, on the recommendation contained in His Majesty's Message to divide the Province into two governments. This division it is hoped would put an end to the competition between the old French inhabitants and the new settlers from Britain or British Colonies, which had occasioned the disputes and uncertainty respecting law, and other disputes of less importance, by which the Province had been so long distracted. This division it was hoped, could be made in such a manner as to give each a great majority in their own particular part, although it could not be expected to draw a line of complete separation. Any inconveniences to be apprehended from ancient Canadians being included into one, or British Settlers in the other, would be cured by the establishment of a local legislature in each.

It was for this purpose that he should first propose, in imitation of the constitution of the mother country, a Council and House of Assembly for each, the Assembly to be constituted in the usual manner, and the Members of the Council to be Members for life; reserving power to His Majesty to annex to certain honours an hereditary right of sitting in the Council. All laws and ordinances of the Province were to remain in force, till altered by this new Legislature. They would consequently retain as much of the laws of England as they now had or chose to keep, and they would possess the means of introducing as much more as they might think convenient. The *Habeas Corpus* Act was already law by an ordinance of the Province, and this invaluable right was to be continued as a fundamental principle of the constitution.

These were the most important points, but there were others to which the attention of the House was called by His Majesty's Message. It was meant to make provision for a Protestant Clergy in both divisions, by an allotment of lands in proportion to that already granted; and as in one of them the majority of the inhabitants would be catholics, it was meant to provide that it shall not be lawful for his Majesty in future to assent to grants of land for this purpose, under the sanction of the Council and Assembly of either division, without first submitting them to the British Parliament. The tenures which had been the subject of dispute, were to be settled in Lower-Canada, by the local legislature; in Upper-Canada the settlers being chiefly British, or British Colonists, the tenures were to be soccage tenures; and, in order to prevent any such dispute as had been the cause of separating the thirteen States from the mother country, it was provided that the British Parliament should impose no taxes but such as were necessary for the regulation of trade and commerce; and to guard against the abuse of this power, such taxes were to be levied and to be disposed by the Legislature of each division. As the constitution which he had thus briefly opened, could not be in a state of activity for some time, His Majesty was to be empowered to make temporary regulations to be in force for six months after the establishment of the new Constitution.

Mr. Fox declared it impossible to express an entire approbation or a disapprobation of a Bill which the House had not yet seen ; but he did not hesitate to say, that if a local Legislature was liberally formed, that circumstance would incline him much to overlook defects in the other regulations, because he was convinced that the only means of retaining distant Colonies with advantage, was to enable them to govern themselves.

ORDERED, That leave be given to bring in a Bill to repeal certain provisions of the Act of the 14th of His Majesty, respecting the Government of Canada, and to make other provisions, &c.

(E.)

OBSERVATIONS

On the Report respecting a change in the Tenures of this Province.

The Order of Reference of the 25th August 1790, requires a Committee of the whole Council, to make an exact report of the advantages or disadvantages of the tenures in free and common socage, and of the present tenures of the Province of different denominations ; taking into consideration the interest of the public as well as of individuals. The Committee in this Report are charged to pay attention to the nature and effects of divers Clauses inserted in the Stat. 12 of Charles 2d, Chap. 24th. They are, at the same time, enjoined to give the Honourable Charles De Lanaudière the liberty of being heard on the Petition for changing the tenure of his Estates into that of Free and Common Socage. Finally, the Committee are authorized to request the opinion of the Attorney and Solicitor-General, if they shall think it necessary.

The wisdom of the Right Honourable Guy Lord Dorchester, manifests itself in this order ; it discovers zeal for the public good, as well as for the interests of individuals ; it deserves the praise and gratitude of all.

The Honourable Members of the Council received the answers of the Solicitor-General, dated 5th October, 1790, to questions that had been proposed to him. We do not learn from the extract of the proceedings, that the Honourable Charles De Lanaudière has been heard on his request ; but we read his replies to several of the questions proposed to the Solicitor-General.

What distinguishes the English from all other people, is their advantage of living under a Government that joins to the real desire of procuring the good of its subjects, a generous invitation to all to communicate their reflections tending to this object. This happiness, this advantage is ours. The order of His Excellency, for printing the proceedings of the Committee, and the permission of making them public, is a sure guarantee of it to us. His Excellency therefore wishes to give to tenants of every denomination,

the means of reflecting on the proposed change ; and to their representations, if they have any to make, a liberty of access not inferior to the tenures he offers.

If in these observations any thing offensive should appear, I protest that it is not in my intention ; and that the sphere of my intelligence has been too confined to perceive it. I love my countrymen, I love the public good, and thank heaven for the advantages of the Government with which we are favoured.

In the Report of the Solicitor-General are found very judicious details, and a love of truth and of justice that merits the applause and acknowledgements of every good Patriot. The Translation not being very exact, (a) recourse must be had to the English. Two things however must be remarked, 1st. page 15, the servitude of *bannalité* is not a consequence of the fiction of the feudal tenures. In effect, of 300 Customs digested in France, all under the Feudal system, there are scarcely 30 that admit the *bannalité*. See Dictionnaire de Droit de Ferrière, verbo *bannalité*. It is not even a Seigniorial right, says Brodeau on the Custom, Art. 71. This article itself says it clearly in the following terms, "No Seigneur can constrain his Vassals to go to the oven or mill that he may pretend to be bannal, unless he has a valid title."

This servitude takes place in the Province, in virtue of an *Arrêt* of the Council of State, of the 4th June 1686, passed at Versailles, and registered at Quebec by *Arrêt* of the Superior Council of the 23d October of the same year ; and again further in virtue of the clause inserted in all the contracts of Concession. Wherefore this right of *bannalité* has nothing to do with the nature of the present tenures. 2d. page 18, It is not possible that the present system of tenures can be a bar to the settlement of lands not yet granted, because this kind of tenure is much less burthensome than the Soccage, such as it is in England. This will by and by be shewn.

The replies of the Honourable Charles De Lanaudière, Esqr. do not appear by much to be either so just or true.

In the answer to the fourth and fifth questions, he places among the number of burthens the retrait feudal and lignager which are the advantages of the Concessions in fief. He renders all possessions of fiefs and arrière-fiefs by whatever title, liable to Military Service ; but it will be shewn that Ecclesiastics and Citizens of a

(a) This Translation, every where, where there is any question of *Lods et Ventes*, makes use of the odious term *Ameude*, though the English word "Fines" signifies in that case *debours d'argent ou finance*.

In page 16, line 3, there is a phrase without any meaning, because the English words of *little moment* are rendered by the French words *comme seulement pour un moment*, (as only for a moment) instead of *regarderont cette exemption comme d'une petite importance*.

number of Cities are exempted from it. He punishes with forfeiture or confiscation the illegal dismemberment of a Fief, whilst the custom inflicts no punishment for such dismemberment; it only looks upon the sale as not being made with respect to the Seigneur paramount. (b) In fine he agreeably affects our ears with the term of *restraint* which belongs only to Chiromancy. (c) With respect to Justice, he says, by the Ordinance of Rouffillon in 1563, Art. 27, it is enacted "That the Hauts Justiciers shall be purely subject to the jurisdiction of the Parliaments, and according to the ancient ordinance, shall be condemned in 60 Livres Parisis for the erroneous judgment of their Judges."

In the first place there is no Ordinance of Rouffillon of 1563, nor do we know of any Ordinance at all of Rouffillon with so many as 27 Articles; but we find an Edict of Paris, of the month of January 1563, composed of 39 Articles, of which the 27th speaking of the Hauts Justiciers, says "The Hauts Justiciers subject purely to the jurisdiction of our Parliaments, shall be condemned according to the ancient Ordinance, in 60 Livres Parisis, for the erroneous judgment of their Judges," by which it is easily seen that this article 27, is the same that the Honourable Member cites as Article 27th of the Ordinance of Rouffillon, in 1563, which probably never existed.

There is a pretty sensible difference between this expression of the Ordinance, "the Hauts Justiciers subject purely to the jurisdiction of our Parliaments shall be condemned," and this other of the Honourable, "the Hauts Justiciers shall be purely subject to the Jurisdiction of our Parliaments, and shall be condemned," which is absolutely false, because there are Hauts Justiciers who belong simply to the jurisdiction of Bailis or Royal Prevôts, who were condemned to only 60 Sols Parisis for erroneous judgment. Bacquet Droit de Justice, Chap. 17. But it is no longer the Hauts Justiciers who pay the fine for erroneous Judgment, it is the parties appealing in the suit, Conférence des Ordonnances, livre 7, titre 4, paragraphe 4, note 3. Thus, in the four last lines of page 22, there is an anachronism, a false citation, a wrong interpretation and an alteration of the text.

On the Page 23. Since when has Military Service been a charge inherent in and inseparable from every species of Fief? If the author would be pleased to give some proofs of this, he would oblige his readers, he would even surprize them.

Read Ferrière, titre des Fiefs, page 58, Edition of 1714. Bacquet, traité des francs fiefs, Chap. 10, No. 3, the Recueil des or-

(b) Article 51 of the Custom.

(c) The art of divining, by inspecting the lines of the hand, which, doubtless, has a great deal to do with the Feudal System.

donnances de Rébuffle, rubrique des Fiefs et arrière-Fiefs; and it will be seen that the Citizens of a number of Cities are exempted.

The Ordinance of Francis 1st, which is not of 1740, but of the 19th March 1540, at Blois, made the rule of Military Service, with respect to the revenues of the Fiefs, but for that time.

The *règlement* of Louis XIII, of the 30th July, 1635, Article 8, exacts a revenue of 1000 livres, to furnish a light Horse, which was exacted by that of Francis 1st, for a revenue of 300 or 400 livres. See Ferrière, titre des fiefs, page 60. The Honourable Member has cited this *règlement*; would it have been any greater trouble for him to have given its terms? Finally, the Kings of France no longer exact this succour, since they have standing Armies. Dictionnaire de Droit, verbo *ban*.

If in reporting the convocation of the *Ban*. &c. by Louis XIV, of the 11th August 1674, the Noble *Ecuyer* had not omitted a part of the phrase, the sense would not have been changed in the manner that it appears to be. The following are the terms of that Patent: "To all Noble *Ecuyers*, Valsals, and "others holding Fiefs and arrière-Fiefs, subject to our *ban* and "arrière-*ban*, all excuses being set aside, &c." It is there seen that His Majesty exacts from all those who are subject to the *ban*, not from all who have Fiefs, as the Honourable *Ecuyer* insinuates, by suppressing the words, "subject to our *ban* and arrière-*ban*," an omission that supposes no great success in seeking the truth.

"The Ecclesiastics are to contribute a year's Revenue of their Fiefs, or such other contribution as His Majesty shall settle," continues our author: though Ferrière, Dictionnaire de droit, verbo *ban*, says on the contrary, "all kinds of persons are subject to this "tax; only the Ecclesiastics are exempted," and a little lower, "but this obligation was confined to the laics, in favour of "Churchmen, under the Pontificate of Pope Zachariah, at the "solicitation of his Legate Boniface."

Towards the end of his replies the Honourable Councillor seems quite to lose sight of the Custom of Paris, 1st. The term of *depié* drawn from some other custom, such as of Anjou or of Maine, is absolutely unknown to this. 2d. It has never imposed on the Censitaires the same obligations as on Vassals. 3d. It does not admit in the *bail à cens* either fidelity, acknowledgment, or *retrait lignager*, as consequences of the nature of the said *bail*. 4th, It acknowledges neither contradiction, ingratitude, or injurious Language, &c. of the Censitaire. 5th, In it the Roturier Inheritance cannot become forfeit. As to the examples of appearing bare-headed in Court during its sitting, if true, they have never been legal or universal. They are not known in Canada, nor is it possible they can ever be introduced here while the present tenures are preserved.

Such are the reflections that naturally present themselves, on the answers of the Honourable Charles De Lanaudière, Esquire, without their causing the least forgetfulness of the respect due to his person and character

Of all the Legislators who have preceded the present age, those have been the wisest who have come nearest to an establishment of equality among the subjects. The wisest of all, because he had the spirit of God, whom we adore, was Moses. He divided the lands amongst the Hebrews, with so much justice and equality that the smallest complaint was never heard. But it would have been little to have established this equality had he not used the means of maintaining it. To succeed, he rendered these lands, by their nature, inalienable, and with so much wisdom, that this inalienability constantly supported itself against the efforts of avarice, which generally overturns all things.

In such manner that if any one had alienated his estate in a time of calamity, he, or his heirs if he had any, recovered his property the year of the Jubilee. Thus every fifty years, the ancient distribution was re-established, in full right. He did more, he provided in such manner for the liberty of individuals, that if any one had trafficked away a part of his property, he recovered it at that epoch. Thus lost Members were restored to their Country; who in re-entering into the possession of their lands, recovered the title of citizens, and found themselves in a condition to fulfil the functions of a citizen. Hence among them were never known those seditious demands of new Registers, or new Partitions, so common in Greece, any more than those Agrarian Laws so often asked by the Romans.

If it was at present a question of a new establishment, of giving a form to a new people, a more excellent model could not be proposed. But the present question is only of procuring advantages to a people already established; of correcting faults in the culture of a delicate plant, and not of rooting it up. It is a tree of which the trunk must be preserved and provision made for extending its roots.

It is a tree that may be pruned, but care must be taken not to destroy it, under a pretext of giving more vigour to the roots already formed, by depriving them of the means of spreading and dividing themselves into new branches by removing the surrounding earth. This is what must necessarily happen if the present tenures be abolished and the Soccage substituted in their place, without obviating two principal inconveniences; the future oppression of the husbandman, and the ruin of the present Seigniors.

In fact if the rights of *Lods et Ventes* and of *Bannalité* be retrenched without a compensation weighed in the balance of Justice, it (d) will be lopping off the head of this tree to give more vigour to the

(d) The suppression of Bannal Mills, it is to be feared, might be prejudicial to individuals; for if a toll be not fixed for grinding, he, whose mill might be most advantageously situated, would have it in his power to avail himself of this advantage, to vex those who might be obliged to have recourse to him, in the too frequent unhappy case of an universal dry season.

roots. The Seigniors must perish whilst the present race of husbandmen would reap the advantage. But on the other hand, if the future Seigniors be permitted to sell their lands uncleared, and to grant leases on such conditions, and charged with such services as they please, it will be taking away from individuals the means of procuring lands for their children; whence the future husbandman would be exposed to oppression. Thus the head of the tree being lopped off, the root would be seen sensibly to wither and the tree would perish. Thus to a happy and truly free people, would succeed a people of slaves and wretches; a people without hope of procuring themselves a decent support, and consequently without any certain means of educating their children, by consequence, without morals and void of probity.

This has not escaped the vigilant attention of the Right Honourable Lord Dorchester, in the order of reference. His views are to establish in the Province, the kind of Tenures the best calculated to insure the progress of Agriculture, to render the people happy, to attract new settlers and procure a numerous population. Views truly wise, and worthy the Representative of a great King. Such is the object of the reference.

To attain this end His Excellency wishes the Soccage to be considered conformable to the clauses inserted in the Statute XII, Charles II, Chap. 24, that the advantages and disadvantages of this tenure, may be compared with the advantages and disadvantages of the present tenures; and in case a change should appear to be advantageous, the mode to be chosen of doing it, without prejudice to the rights of individuals and the general interests of the Country is shewn. Such is the certain *route* marked out by His Excellency, in following which we cannot run any risk of error.

The Stat. 12th Charles II, Chap 24, retained the tenures in soccage, *frank almoigne*, petit serjeanty, the honorary services of Grand Serjeanty, and the Copyhold, or Tenures by Copy of Court Roll. This may be seen in Blackstone, Chap. 1, of the modern tenures.

The Soccage in its most ample signification (says this respectable author) seems to denote a tenure by any certain and determinate service. It is of two species: the Free Soccage of which the services are honorable; and the Villein Soccage, of which the services though certain are of a base nature. Such as hold by Honourable services are called *liberi sokemanni*, free sokemen, Freeholders, according to Glanvil, &c.

The grand Criterion, the touchstone by which to distinguish this kind of tenure, is by its services being certain and determinate; such, in particular are the petit serjeanty, tenure in burgage, or the manner in which boroughs and towns hold of their Lords, and gavelkind. This is confirmed by what he says a little higher, that the Military Services, (as escuage itself) while they remained uncertain were equivalent to Knight Service; and that the instant they were rendered certain, they changed both their nature and name, and were called Soccage. From whence he concludes, it is the determination of the services that gives the name to this tenure.

Nothing, adds he, better proves a great liberality, a great privilege than the certainty of the nature of the Services, which frees the tenant from the

obligation of obeying without delay the Caprice of a Seignior, who called on him when he pleased, as in the Knight service. For which reason Britton who describes the tenures in soccage, under the name of *fraunke ferme*, says, that they consist in lands, of which the nature of the services, being of chivalry, has been changed by feoffment, for certain and determined annual services, among which were reckoned neither homage, ward, marriage or relief.

Blackstone afterwards proves that the tenure in soccage is not less of Feudal origin than the chivalry tenure; and that by ten instances of comparison, which are too long to insert here; it suffices to say a few words *en passant*, on two of these instances.

At the fourth he says that the tenure in Soccage was of common right, subject to aids to the Lord, when his son was knighted, when he married his eldest daughter, &c. which aids were fixed by the Statute of Westminster 1 ch. 36, at 20s. for every £20 per annum. These aids which were originally mere benevolences, were afterwards exacted as matter of Right. The Stat. 12 of Charles II. abolished them. For what reason is easily seen. These aids in the first instance, were only benevolences; they were raised by vexation into absolute rights; the Seigniors became oppressors.

But it was not so with respect to the relief, which was paid by the heir at the death of his ancestor. and which was a year's revenue of the estate held in soccage, whether considerable or not. This relief, which Bracton does not look upon as a real relief, but simply as *quadam præstatio loco relevii in recognitionem domini*, was retrenched by the Statute of Edward 1st, Chap. 1st, which declares that the free Sokeman shall pay no relief, but after the death of his ancestor shall pay double the usual rent.

The Statute 12th Charles II, reserves this relief; and on lands in Fee Simple, holden by a rent, the relief is still due on the death of the tenant.

It would be too long to recite the tenures in villenage simple and privileged; the different modes of possessing them and their different services; what they have in common with free soccage, and in what they differ. It suffices to remark that the Statute 12th Charles II. Chap. 24, Sect. 7, has reserved the tenure by Copy of Court Rolls, with all the services dependant thereon; and, consequently arbitrary rights, at the will of the Lord, are yet acknowledged in England. It is true that the Courts of Justice have confined these rights within moderate bounds, to prevent their absorbing the inheritance; in so much that except under particular circumstances, never more than two years revenue of an estate are allowed in case of succession or alienation. (e).

Such are the Tenures that have prevailed in England, since the Statute 12th Charles II. It is clearly seen that the Free Soccage, if it does not properly admit a relief, admits at least of a compensation.

The Villein Soccage admits the rights of heriot, in lieu of the relief,

(e) Notwithstanding the modifications so wisely established against oppression, can any one dissemble that these services are very onerous. In our present tenures, are there any that can be put in comparison with these?

to be paid after the death of the tenant, by his heir. It admits the rights of alienation, even arbitrarily, (at least by fiction,) and according to the will of the Lord; though in one sense, they become certain, because the Courts, in their judgments, will not suffer them to exceed two years' revenue on the lands they thus held.

Our roturier tenures according to the custom of Paris, do not admit of relief in any case, and the alienation fines called *lods et ventes*, can never extend, to two years' revenue (f). These are the tenures I am about to shew, according to the custom of Paris, with the tenure in *fief in capite* or immediately from the King, and the tenure in *arrière fief*.

All the tenures of Canada are conformable to the Custom of Paris, and are divided into noble and *roturier*.

The noble tenures are all subject to the rights of *francs fiefs* and *nouveaux acquêts*, when they fall into the hands of *roturiers* or in *main-morte*; that is a fine which these *roturiers* or holders in *main-morte*, becoming possessors of noble estates, are obliged to pay to the King, when he shall be pleased to order a declaration of it. (g)

These noble tenures are either *francs aleux* or Fiefs subject to services, or *redevances*; or Fiefs in *frank almoign*. The only object at present, being to obviate the odium meant to be thrown on our tenures, it suffices to mention the Fiefs held by services and *redevances*.

The Fiefs are held either immediately or mediately of the King. The immediate Vassal of the King, owes him 1st. Fealty and homage, with the *aveu et denombrement*. 2d. In case of sale or other act equivalent to a sale, the new possessor owes the *quint* (h). 3d. In case of succession, in the collateral line only, the heir owes the relief (i). 4th. In those according to the *Vexin le François*, which are but few, the relief is due on every mutation, but never any *quint*. 5th. The Military Service in virtue of the *ban*, if the Tenant be not privileged (k).

The mediate Vassal of the King, owes to the Seigneur of whom he immediately holds, all the above dues, except the Military Service, which is never due but to the King.

Such are the burthens of common right. There are some others very reasonable and of great advantage to the Public good, imposed by clauses in the Concessions, cited in the Report of the Solicitor General, as well as in the replies of the Honourable Charles De Lanaudière (l).

(f) They are but a twelfth part of the amount of the purchase money.

(g) The King orders this declaration nearly every forty years, according to Ferrière, *verbo franc-fief*; this charge may be looked upon as uncertain; its rate being according to the prudence of the officers appointed for this purpose, from a state of the revenues arising from the possessions.

(h) The fifth part of the purchase money.

(i) It is a year's revenue of the said Fief, or a sum fixed by award, or by offer of the Heir, at the option of the Seigneur. This right can be paid but once in a year, however numerous such mutations may be in that period.

(k) This duty has never been required in this Country.

(l) They are to give notice of what mines may be found in the said Fiefs, to reserve oak trees proper for building vessels, and to furnish the necessary ground for erecting Forts on.

I say nothing of *la Justice*, 1st. because it is fallen into disuse, of useless since the conquest, particularly by the Quebec Act. 2d. Because it would create confusion in the present administration of justice. 3d. Because it is not inherent in the feudal tenure. *Fief et Justice n'ont rien de commun* (m).

If from all these rights be excepted the right of *franc-fief*, and of *nouveaux acquêts*, it may be said, that these noble tenures, have no dues repugnant to the Socage, because, in this case, they have none but what are certain.

I may venture to say, they are neither onerous to the Tenants, nor uneasy to the Government. And as the Statute 12th Charles II. by the Sect. 6, of Chap. 24, reserves all these rights, except for estates held immediately of the King in *capite*, I may add that they have nothing contrary to this Statute, except what may regard the rights owing to the King. What will be said of the *rotures* will shew that these first tenures are not oppressive for the *Censitaires*.

A juster idea cannot be given of the *roturier* tenures, considered with respect to their nature, than by using the proper terms of Ferrière, in his *Dictionnaire de droit*, his words are, *verbo roture* :

"Roture is an inheritance held *en censive*, different from fiefs, which are inheritances held nobly. Fealty and homage, the *denombrement*, relief, quint, main-mise, *retrait feudal*, forfeiture, have no place in rotures."

"Inheritances held in roture owe but two principal rights; the annual *Cens* and the *Lods et Ventes*, which are due from the new proprietor to the Seigneur *censier* in virtue of sale or other conveyance equivalent to a Sale."

"To these two rights must be added the Fines for non-payment of the *Cens*, or for failure of notifying the sale: the first is of five *Sols Parisis*, (n) the second of three *livres* fifteen *sols*."

To form any other idea of the Rotures under the Custom of Paris, is to abandon the best Law authorities. It remains to shew that every man has a right to oblige the Seigneur to grant him lands at a very moderate and certain return.

The right and facility that every individual in the Province has of having lands under the présent tenures, is manifestly proved by the ordinances cited by the Solicitor-General, and the Honourable Charles De Lanaudière, as well as by the clauses of the Concessions of Seigniories, as these Gentlemen have also well remarked.

1st. By these ordinances, and by these clauses, it is expressly forbid to the Seigniors to sell lands uncleared, on pain of re-union to the Domain of the Crown.

2d. It is expressly ordained that the Seigniors shall grant Lands to all who ask for them.

3d. If the Seigniors refuse to grant them, after being required so to do, the persons asking the said lands shall make complaint to the Gover-

(m) Ferrière, *titre 1er. des Fiefs en général*, paragraphe 1er. No. 35, page 54, to the end.

(n) 5 *Sols paris*, is 5 pence 1-5d; and three *livres* fifteen *Sols* make 37½ pence,

nors &c., which Governors are authorized to grant them to them, under the name and for the profit of the King, at the same rate as the other Concessions of the said Seignior.

To shew that the charges and *redvances* of the rotures are certain and moderate, it suffices to expose the highest *rentes* that are known to have been stipulated prior to the conquest, without examining if any Seignior, under the silence of the Government since that epoch, may have stipulated for higher, or put in practice any vexation.

1st. The greatest *rentes* before the Conquest, when they were stipulated to be in cash, were two *sols tournois* per superficial acre. (o)

2d. Those which were stipulated in money and wheat, were of one *sol tournois* per superficial acre, and a bushel of wheat for forty superficial acres.

As to the *Cens*, it consisted generally speaking, of a *sol* or a *sol* and a half *tournois* for every acre in front, by the whole depth of the Concession, (p) this *cens* is subject to

1st. The right of *Lods et Ventres*.

2d. *La Saisine*; that is to say, twelve *deniers Parisis*, for being seised of it; but article 82 of the Custom says "*ne prend saisine qui ne veut.*" There is no obligation to take *saisine*. (q)

3d. The Fine when the case happens. (r)

By the ordinances already cited, and by the clauses inserted in the Contracts, the *Censitaires* are obliged,

1st. To let their grain be ground at the Seignior's Mill, and to pay the fourteenth part for grinding.

2d. To make or permit to be made all roads and Bridges necessary for the Public.

3d To clear their lands and occupy them, within a year and a day from the date of the contract. A clause extremely favourable to Agriculture, to the advancement of the Province, and to population.

4th. They are subject to the reserve of mines, ores and minerals; and oak trees. (s)

Thus every man has a right to insist on a grant of Land, without its costing him a *sol* to become a perpetual proprietor of it. (t) And if the

(o) Two *Sols Tournois* are equal to a Penny and a ninth, a *Sol Tournois*, being 5-9ths of a Penny.

(p) A *Sol* and a half *Tournois* is 15-18ths of a Penny of *Cens* for an arpent in front, by 20, 30, 40 arpents in depth. Some are known to be 126 arpents in depth, which are subject but to this *Cens*.

(q) Twelve *Deniers Parisis* are equal to two thirds of a Penny.

(r) This fine is of two sorts; one is incurred by the refusal of paying the *Cens et Rentes*, and is of five *Sols Parisis*. the other arises from the default of notice being given of the sale, and consists of three *Livres* and fifteen *Sols*. But a Sentence of the Judge is necessary to oblige the Proprietor to the payment of these Fines.

(s) As to Oak Trees, this reserve does not take from them the liberty of cutting them down on the land they clear, nor even on their other lands; custom having ever considered this reserve in this sense, that the King has a right of taking those Trees, wherever he finds them, as also the Seigniors for their Mills, &c., without having it in their power to charge their *Censitaires* with culpability for cutting them down. There is even a Judgment of Mr. Begon, of the 20th July, 1722, which forbids the Seigniors to trouble their *Censitaires* in the employment and sale of the Oak Trees they cut down on their lands.

(t) It will cost him but the Notary's Fee for passing the Deed.

rentes are all stipulated to be in money, he will pay annually for an estate, for example, of 4 Acres by 40, a rent of 16 *livres tournois*, and a *Cens* of 6 *sols*. (v)

If, on the contrary the rent is in money and wheat, he will pay eight *livres tournois* of *rentes*, and six *sols* of *Cens* with four bushels of wheat. (x)

If afterwards this land is sold, the purchaser, on entering into all the rights of the settler, becomes also subject to the charges, and will owe the *Lods et Ventes*. (y).

Is it then without reason that, under the present system of tenures, the people of this Province are said to be happy? Is the *Censitaire* exposed, on his death, to have the fruits of his labours torn from him, after flattering himself with having, by the labour of a whole life, acquired for the children of his bosom, the sacred right of an inheritance?

Can these tenures be compared to the Leases of ten, twenty years, for life, &c. known in England, of one or of several acres of land, for annual rents of two, four, six, ten Guineas per acre, which the unfortunate husbandman cannot pay without being reduced to live on a fourth part of what is necessary to satisfy his appetite, and that in Potatoes, Oats, &c? Yet, still happy, if he be not obliged, after having cleared a great part of his land, to abandon his sacred and natural right to the fruits of his labours, gained by the sweat of his brow, from his incapacity to pay an oppressive rent.

Is this a kind of tenure, which draws the blood of the labourer to nourish and satiate a rich Lord, as voluptuous as indolent and useless? Is this a tenure where the earth devours its inhabitants, and must fall, by a natural tendency, into the hands of these great proprietors, the eternal scourge of population?

As a proof, none are known to leave the Province to seek elsewhere a more advantageous kind of tenure; while we see arrive here Families, in swarms, to enjoy the benefits that its tenures offer them, and breathe the free air of its husbandmen.

Such are the observations I have made, after reading with attention, and reflecting on the extract of the proceedings of a Committee of the whole Council of His Majesty, printed by order of his Excellency, dated the 20th of October last. As a citizen and native of the Province, of course as much interested in its welfare as any can be, I think no one can blame me for them. I submit them with the most humble respect, to the examination and wisdom of the Right Honourable Lord Dorchester.

THOMAS BEDARD, Priest.

Quebec, 16th February, 1791.

(v) Making fifteen Shillings and one Penny annual rent for 160 arpents of land.

(x) Making seven Shillings and eight Pence, with four bushels of Wheat for the same quantity of land.

(y) The *Lods et Ventes*, as has been already said, are the twelfth part of the amount of the purchase money. The Seigniors generally remit a fourth of this right, without any prescription being established against them by Custom.

SECOND REPORT.

YOUR Committee next directed their attention to the Townships erected, as well on the southern as on the northern shore of the Saint Lawrence.

And here, their first object of inquiry was, whether the Free and Common Soccage Tenure had produced that inequality in the division of the lands which your Committee have already stated to be, in their opinion, one of the necessary consequences of that species of Tenure.

Upon this branch of the subject, your Committee examined His Majesty's Surveyor General, and divers individuals who had either resided in some one of those Townships, or travelled through them. (A)

Your Committee here found excessive quantities of land in the hands of particular persons, who have never cultivated or settled it, and have thereby prevented others more industrious from improving the same, and quantities greatly exceeding what in the natural order of things, under that tenure, could have obtained in the short period which had elapsed since the erection of those Townships.

It became thus manifest to your Committee, that this unfortunate state of things had originated in some error or vice in the system of granting lands, which had been pursued by the Colonial administration.

Your Committee had been taught by the result of their first inquiry which has been communicated to the House, not rashly or hastily to attribute this error or vice to His Majesty's Government. They well knew from the Instructions for James Murray, Esquire, Governor of the Province of Quebec, dated the 7th December, 1763,—That His Majesty had Ordered, That “Where-
“ as great inconveniences have arisen in many of our Colonies
“ in America, from the granting excessive quantities of land to
“ particular persons, who have never cultivated or settled it, and
“ have thereby prevented others more industrious, from im-
“ proving the same: In order, therefore, to prevent the like
“ inconveniences for the future, you are to take especial care
“ that in all grants to be made by you, by and with the ad-
“ vice and consent of our Council, to persons applying for the
“ same, the quantity be in proportion to their ability to culti-

"vate; and you are hereby directed to observe the following directions and regulations in all grants to be made by you. viz. &c."

Your Committee remarked also in the Special Regulations for the granting of the waste lands of the Crown, a paternal regard, nay solicitude for the happiness of His Majesty's subjects, utterly inconsistent with measures like those of the Colonial administration, fraught with mischief to them.

These regulations are to be found subjoined to this Report, under the letter (B.)

To obtain information upon this matter, upon which your Committee could depend, an humble address to his Excellency the Governor in Chief, was voted by the House on the 13th February instant, praying that his Excellency would be pleased to order to be laid before this House, Copies of such Royal Instructions, respecting the granting of the Crown Lands in this Province, as may have been given since the year 1786, also a table of the Fees of the Office of the Clerk of the Executive Council, and other Public Officers, relating to the said grants, and also a Copy of the Mandamus of His late Majesty George the Third, for granting of Lands to Sir Robert Shore Milnes and the Executive Councillors.

His Excellency the Governor in Chief was pleased to give for answer, that, "in compliance with the address of this House, of the 13th of February instant, he should cause to be laid before this House, Copies of such parts of the Royal instructions for the granting of Crown Lands, as His Majesty has caused to be made public."

"Copy of the dispatch from His Majesty's Secretary of State, ordering that a grant of Land should be made to Sir Robert S. Milnes; and Copy of the Table of Fees to the officers named in this address, should also be communicated."

And His Excellency accordingly transmitted to the House on the 17th February instant:—

"Extract from a dispatch, dated Whitehall, 6th June, 1801, from His Grace the Duke of Portland, to Sir Robert S. Milnes, respecting Grants of Lands to be made to some of the Members of the Executive Council; Copy of the Royal Instructions relative to the granting of the waste lands of the Crown."

"Copy of a Dispatch dated Downing Street, 31st December, 1808, from Lord Castlereagh to Sir J. H. Craig, K. B., ordering that a Grant of Land should be made to Sir Robert Shore Milnes."

"Copy of the Table of Fees to be taken upon Grants of the waste Lands of the Crown."

All of which are to be found in the Appendix to this Report, under the Letter (C.)

The intentions of His Excellency the Governor in Chief to afford every proper information to the House, relative to the Public

Instructions of His Majesty, intentions which the above answer of His Excellency the Governor in Chief so manifestly evinces, have however, from causes which your Committee do not deem it necessary to explore, failed to produce their due fruit.

For it was within the knowledge of your Committee, that on the 11th June, 1798, His Excellency the late Robert Prescott, Esquire, had laid before the Land Board of His Majesty's Executive Council, the following instruction under His Majesty's Sign Manual, bearing date the 15th day of August, 1797, and the directions he had received from His Majesty's Secretary of State, in conformity to the said instruction.

GEORGE R.

Instruction to our trusty and well beloved Robert Prescott, Esquire, Lieutenant General of our Forces, Captain General and Governor in Chief of our Province of Lower-Canada, in America, or in his absence to the Lieutenant-Governor or Commander in Chief of our said Province, for the time being. Given at our Court at St. James, the 15th day of August 1797, in the thirty-seventh year of our reign:

"Whereas, by our General Instructions to our Captain General and Governor Commanding in Chief in and over our Province of Lower-Canada, bearing date at St. James's the 16th day of September 1791, it is declared amongst other things, to be our will and pleasure, that the Townships therein mentioned, and the respective allotments within the same, together with the lands to be reserved as therein aforesaid, shall be run and laid out by our Surveyor General of lands, for the said Province, or some skilful person authorized by him for that purpose, which Surveys, together with the warrants and grants for the respective allotments, shall be made out for, and delivered to the several Grantees free of any expense or fees whatsoever, other than such as may be payable to the different officers, according to the table of fees already established, upon grants of land made in the said Province. Now, our will and pleasure is, that the said Townships therein mentioned, and the respective allotments within the same, together with the lands to be reserved, as therein aforesaid, shall be run and laid out by our Surveyor General of lands for the said Province, or some skilful person authorized by him for that purpose, which Surveys, together with the warrants and grants for the respective allotments shall be made out for, and delivered to the several Grantees, on payment of such fees as shall from time to time be established by us, under our Signet and Sign Manual, or by our order in that behalf signified by one of our principal Secretaries of State."

G. R.

And His Excellency informed the Board that the directions he had received from His Majesty's Secretary of State, in conformity to the above instructions, were :—

“ 1st. That in those cases where the faith of Government has been pledged to the applicants, (according to the Report of the Committee of the whole Council, of the 24th May, 1797,) for specific quantities of land, the grants thereof should be passed on the same fees that have been paid upon those grants that have already passed the Seal.

“ 2d. That, although the faith of Government is not considered to have been specially pledged in the cases where persons petitioned for Townships on behalf of themselves and their associates, yet, inasmuch as some of those associated applicants have fully evinced the sincerity of their intentions of carrying the Settlement of the lands they so petitioned for, into effect, and have, upon the faith of the encouragement heretofore given them by His Majesty's Government in Canada, embarked their labour and property in Surveying and allotting the Townships they so petitioned for, and in making effectual Settlements therein, it is His Majesty's pleasure, that a preference should be shewn to persons of this Class, “ by making them Grants (upon the old Fees) to the full extent “ mentioned in His Majesty's instructions, viz : twelve hundred “ acres to each associated Grantee.” But this is not to extend to the granting of the whole Township, except in those cases where the number of the associated applicants who are actually settled thereon, shall be sufficient at the rate of twelve hundred acres each, to comprehend the whole of the grantable lands in such Township.—And in cases where the number so actually settled in any Township, shall not be sufficient, allowing at the rate of twelve hundred acres each, to comprehend the whole of such grantable lands in such Township, the remaining part thereof, if granted to the associated applicants, “ must be granted on condition of immediate Settlement, and of its being subject to the additional fees for the Public Service.” It is also His Majesty's pleasure, that such of the Settlers, as may happen to be seated on lots reserved for the support of a Protestant Clergy, or for the future disposition of the Crown, should hold the same, upon the same terms and conditions as shall hereafter be granted to other cultivators of reserved lots of a similar quality.

3d. That such of the applicants as have been at the expense of Surveying the Townships they have petitioned for, and laying the same out into Lots, preparatory to the Settlement, but have not proceeded effectually to the actual Settlement thereof, should have grants (upon the old Fees,) for the one half of the Townships they so petitioned for, in the same quantities (to wit 1200 acres) to each of the associated Grantees, as in the former case, on condition of the immediate settlement thereof; but this is not allowed to be

extended, in any of the cases falling under this description, to more than one half of the Townships; so that if in any of these cases, it should be thought proper, in the wisdom of the Council, (on account of the intended Settlers being actually waiting to go on,) to advise the Granting of the whole Township to the associated applicants, the latter half thereof must of course be subject to the additional fees for the Public Service.

" 4th. Those of the applicants who have only put themselves to the trouble and expense of soliciting and exploring the Townships they desired, are not considered to have done much towards evincing any serious intention with respect to carrying the Settlement thereof into effect, which alone could entitle them to any favourable consideration. In as much, however, as the exploring of the Townships they petitioned for, may have been attended with some expense, His Majesty is pleased to allow, that applicants of this description may have grants of the one fourth part of the Townships they respectively petitioned for, upon condition of the immediate settlement thereof. This however is meant to extend only to those cases where the applicants did actually put themselves to the trouble and expense of exploring the Townships they applied for: and if these should desire to have the grants at the rate of twelve hundred acres to each associated Grantee, such grants are to be subject to the additional Fees for the Public Service.

" 5th. Such persons or associations of persons, who, from a desire of making actual Settlement on the lands, purchased the pretensions of those applicants that had become discouraged by the delays which took place in the passing of the grants, are to be considered as standing in the place and stead of the applicants, whose pretensions they so purchased, and to receive the Grants accordingly in the same proportions and on the same conditions as those applicants themselves would have been entitled to under the above regulations.

" 6th. The remainder of the lands (except where Government may consider it proper to grant certain quantities to particular persons by way of favour, as rewards for services or the like; and excepting the reservations for the support of a Protestant Clergy, and for the future disposition of the Crown,) are to be disposed of at Public Sale, at certain times and places to be notified; in such quantities, and subject to such conditions of Settlement and Cultivation as shall afford the best chance for the purchasers becoming themselves the permanent Settlers on the lands, and for raising out of the price thereof an efficient fund towards defraying the Public expenses of the Province.

" 7th. The amount of the new Fees to be taken under the Royal instructions, now communicated to the Board, (including, as well the part payable to the officers concerned in passing the Grants,

as the part to be appropriated towards the support of Government) is fixed at twenty-five pounds currency per thousand acres, and so in proportion, being at the rate of six pence an acre ; but it is directed, that the grants to be made in obedience to orders from His Excellency, in consideration of services, shall be subject only to the payment of half Fees, or three-pence per acre.

"8th. In the grants subject to these additional fees, and those of the lands that shall be disposed of by sale, the Grantees are to have all mines and minerals, excepting only those of Gold and Silver, which latter are to be reserved to His Majesty, his Heirs and Successors, as formerly."

It was also within the knowledge of your Committee that His Excellency had, at the same time, submitted to the consideration of the Board, to report whether it might not be advisable to give public notice of these instructions.

That His Majesty's Executive Council declared that they were unanimously of opinion, that it was not advisable at the time to give public notice of these regulations.

That an unfortunate difference of opinion existing between His Excellency the Lieutenant Governor and His Majesty's Executive Council upon this subject, His Excellency the Lieutenant Governor for the time being, and His Honour the Chief Justice of the Province and Chairman of the Executive Council for the time being retired from their high Stations and returned to Great Britain, His Excellency having, previous to his departure, caused to be published, "An Extract from the Minutes of Council, containing "His Majesty's late regulations relative to the waste lands of the "Crown, with His Excellency the Governor General's Order of "reference, respecting the same, to a Committee of the whole "Council of the Province of Lower-Canada, the said Committee's "Report thereon, and His Excellency's Speech in reply," which will be found in the Appendix to this Report under the letter (D.)

That whatever difference of opinion might exist, respecting the expediency of publishing these regulations, there could be none as to the duty of rendering public the above instructions, under His Majesty's Royal Sign Manual, inasmuch as by the 38th article of His Majesty's Instructions to Lord Dorchester, Governor General, &c. &c. &c. bearing date at St. James's 16th September 1791, it was ordered as followeth :—

"It is our further will and pleasure, that the foregoing Instructions to you, as well as any you may hereafter receive, relative to the passing Grants of Lands, in conformity to the said Act, passed in the present year of our Reign, be entered upon Record for the information and satisfaction of all parties whatever, that may be concerned therein."

The directions which accompanied these Instructions, worthy as they are of the justice and honour and wisdom of His Majesty's

Government, were however viewed by your Committee with surprise and gratitude not unmixed with regret. They could not but feel gratified for the care and wisdom with which His Majesty provided that excessive quantities of land should not be granted to particular persons. They were surprised that orders so distinctly enunciated, should not have received their due execution within the Colony from the Servants of the Government. But it was with the most painful sensation that your Committee read that portion of His Majesty's Instructions, which relates to the sale of the waste lands of the Crown, for the maintenance and support of His Majesty's Government. They saw in this instruction a principle which, from the smallness of the pecuniary means of His Majesty's Canadian Subjects, opposed a new and almost insurmountable obstacle to the progress of any Settlements to be effected by them on the waste lands of the Crown, a principle hostile to the free Constitution which it has graciously pleased His Majesty to confer on this Province. They felt convinced that His Majesty had, at that time, been made to feel a distrust of the willingness of His Majesty's Faithful Canadian Subjects to provide in a Constitutional manner for the support and maintenance of His Majesty's Government.

Your Committee have reason to congratulate the Country that the distinguished Bravery and Loyalty of His Majesty's Canadian Subjects, during the trying circumstances of the late war, joined to a more intimate acquaintance with the manners, feelings and principles of the people of this Country, have since restored them that confidence, which seemed to have been impaired in His Majesty's Royal Breast.

For on the 29th of December, 1812, His Excellency Sir George Prevost, then Captain General and Governor in Chief in and over these Provinces, in his Speech from the Throne, was graciously pleased to express, "his great satisfaction in communicating to the Assembly of this Province, that having communicated to His Majesty's Secretary of State, the addresses of the House in answer to his Speech, on the opening of the Provincial Parliament in February last, in order that they might be laid before His Royal Highness the Prince Regent, he had since received the express commands of His Royal Highness to thank them in his name, for the assurances of support and attachment which they contain, and to acquaint them that His Royal Highness places that confidence in the courage and loyalty of His Majesty's Canadian Subjects, which makes him equally fearless of the result of any attack upon them, and of any insidious attempts to alienate their affection from His Government."

And again, in his Speech from the Throne on the 13th of January, 1814, his Excellency was graciously pleased to say, "That

“ in reviewing the events of the war, he cannot but contemplate
 “ with pride and satisfaction, the zealous discharge of duty which
 “ he has witnessed as well in the militia as in all classes of His Ma-
 “ jesty's Subjects in this Province, and which he considers the
 “ surest indication of their Loyalty to their Sovereign, and of
 “ their determination to defend, to the last extremity, this valua-
 “ ble portion of his dominions.”

And on the 7th January, 1818, His Excellency Sir John Coape Sherbrooke, then Captain General and Governor in Chief in and over these Provinces, in his Speech from the Throne, was “ graciously pleased to say, “ that in pursuance of the directions “ he had received from His Majesty's Government, he should or- “ der to be laid before the Assembly, an estimate of the sums re- “ quired to defray the expenses of the Civil Government of “ the Province ;” and he adds, “ I anticipate with confidence, a “ a continuation of that loyalty and zeal for His Majesty's Ser- “ vice, on your part, which I have hitherto experienced, and a “ ready execution of the offer which you made on a former “ occasion, to defray the expenses of His Majesty's Provincial “ Government, with a liberality that did you honour.”

And it is still fresh in the recollection of your Committee and of the House, that His Excellency the Earl of Dalhousie, now Captain General and Governor in Chief in and over these Provinces, has been graciously pleased to say in His Speech from the Throne at the opening of the present Legislature, “ that he has from past experience the fullest confidence in the loyalty, sense of duty and attachment to the principles of the constitution of His Majesty's Canadian subjects, whereof this House is the humble Representative, and has pleased, further, to express his conviction that they are disposed to enable His Majesty to sustain the Civil Government of this Province, with honour and with advantage to his subjects.”

Your Committee, feeling in common with the House and with the Country, that the Honour of this People is its most sacred inheritance and most precious of all its' possessions do not deem it necessary to offer an excuse for the details into which they have gone upon this branch of the subject.

Your Committee proceeded to examine many witnesses relative to the manner in which these instructions were carried into effect by His Majesty's Colonial administration. (E.)

Your Committee find on referring to the Public Accounts, from the year 1797, to this day, that no revenue was raised by the sale of these lands or any portion of them.

Your Committee have ascertained beyond a doubt, that these instructions were evaded in the following manner.

An entire Township, or a half, or a quarter of a Township, was, upon the application of an individual who had the fortune to enjoy the favour of the Colonial Administration, promised to him. He obtained the names of thirty-nine individuals, who either lent them gratuitously, or sold the use of them for some trifling consideration, or were to receive nominally a grant of 1200 acres of land, really and truly a grant of 200 only. In each of these three cases, a bond or obligation was executed, whereby the real grantee of the Township, known by the name of "Leader," stipulated with these *personnes interposées*, that upon the passing of the Patent, these several associates should convey to the Leader, either the entire 1200 acres in the two first cases, or the 1000 in the last case, in fee simple to the Leader, the latter engaging to use the necessary exertions, and incur the necessary expenses, and also to pay the Patent Fees upon the Grant, without any reimbursement to him from the associates. The common form which was used upon these occasions, is to be found in the Appendix to this Report, under the Letter (F.)

Under this system there was granted to the Members of His Majesty's Council, above 130,000 acres; to friends and relatives of Members of the Executive Council, above 100,000 acres. To individuals who had not joined the Standard of His Majesty during the Revolutionary War, above 300,000 acres. To American Loyalists, and to His Majesty's Canadian Subjects, with the exception of the Canadian Militia who served in the year 1776, none, or if there be some solitary exceptions, they are so few as not to merit consideration.

For these Services, His Majesty directed, by a Special Mandamus, that there should be granted unto the Lieutenant Governor for the time being, an entire Township of the waste lands of the Crown, to each of the Members of the Executive Council, one quarter of a Township, which was accordingly carried into effect.

Your Committee next directed their attention to the ascertaining whether any, and what fees were exacted for these Grants.

Your Committee have reason to believe that during the period the late Honourable William Smith, Esquire, was Chief Justice of the Province and Chairman of the Executive Council, no fees were exacted or received, and His Majesty's above mentioned instructions in every respect obeyed.

A Table of Fees (whereof a Copy is subjoined under the Letter (G)) was established by His Majesty's Council, and fees were exacted and received, contrary to the above mentioned instructions of His Majesty, but under the above Table of fees, which fees have latterly, without any authority, or pretence of authority, been considerably augmented.

Your Committee, unwilling to believe that the above mention-

ed evasions of His Majesty's gracious Instructions, had been practised with the knowledge, privity or consent of His Majesty's Servants, bound by their oaths, their honour and their duty to obey them, instituted a long and patient investigation into the origin of these abuses. They have been painfully, but irresistibly led to the conclusion that they were fully within the knowledge of individuals in this Colony, who possessed and abused His Majesty's confidence.

The instruments by which this evasion was to be carried into effect, were devised by His Majesty's Attorney General for the time being, printed and publicly sold in the Capital of this Province, and the principal and intermediate Agent was His Majesty's late Assistant Surveyor General.

Your Committee desirous of obtaining more particular information, respecting the manner in which the Townships have been settled, have directed a series of questions to be addressed to several of the principal Gentlemen in that Country, and will without delay report to the House, when answers are received.

The attention of your Committee has next been directed to the causes which have retarded the Settlement of the ungranted lands in the old Seigniories of this Province, and to the determining of the extent to which relief has been afforded to the distressed Emigrants coming to our shores. Upon these two subjects, some progress has been made, and every diligence will be used by the Committee to give to them that full investigation which their importance loudly calls for.

Upon the whole, your Committee are of opinion that the second principal obstacle to the Settlement of the waste lands of the Crown, has been that the Colonial Administration has evaded and disobeyed the Gracious Instructions of His Majesty, posterior to the year 1786.

Quebec, 23d February, 1821

ANDREW STUART, Chairman.

MINUTES OF EVIDENCE, &c.

(A) & (E).

Lieut. Col. Bouchette, Surveyor-General of this Province, appeared before your Committee and answered as follows :

Q. How long have you been Surveyor-General ?

A. I am a Commissioned Surveyor of lands in this Province since 1790. I have been upwards of seventeen years at the head of the Surveyor-General's Department.

Q. Can you furnish the Committee with the names of individuals who have received grants from the Crown of Waste Lands belonging to it, exceeding in extent 1200 acres ?

A. I can, from the Records of my Office, and will do it tomorrow.

Q. Can you furnish the Committee with the names of the Leaders as they were called, of the different Townships ?

A. Yes, I can, but I beg to refer to the general Statement of the Lands granted in the Province of Lower-Canada, given in my Topographical Work of the Canadas, in which is contained the information required.

Q. When did the Provincial Government commence to grant Lands in Free and Common Soccage ?

A. In 1796.

Q. What was the description of persons who were called the Leaders of Townships ?

A. I refer to the Statement thereof in my Geographical Work.

Q. What was the number of Signatures usually subscribed to the Petition for the grant of a Township ?

A. About thirty-six in a Township of ten miles square, of about 44,000 acres, admitting each individual had 1200 acres.

Q. Has there been any grants in this Province, in Free and Common Soccage to any one individual, exceeding 1200 acres, and what were they ?

A. As far as I recollect, to Sir Robert Shore Milnes, and the Members of the Executive Council, under a Special *Mandamus* from home, as an indemnification for their services and great trouble in the land granting business.

Q. By what denomination was generally known that individual amongst the petitioners, who charged himself with the preparing of the Petition, and obtaining signatures thereto, with pre-

senting the same to the Provincial Government, and carrying it through the Council, with the expenses of survey, and ultimately with obtaining the Patent, and paying the fees thereof?

A. They were called Leaders of Townships.

Q. Upon the face of the Patent did they or any of the other Patentees receive any more than 1200 acres?

A. As far as my knowledge goes, not more.

Q. Were not those Leaders by the original understanding between themselves and the Co-petitioners, charged with this trouble and these expenses, without obtaining from their said Co-petitioners any remuneration for the one or reimbursement for the other?

A. I have generally understood such was the case.

Q. What might be the expenses of Survey and Patent on a Township of 44,000 acres?

A. About £340.

Q. What was the average value of lands in those Townships, as they were purchased up by Speculators from the year 1796 to 1803 and 1804?

A. The lands were then considered of little value, as they were sold, as far as my knowledge extends, from 6d. to 15d. per acre.

Q. What is the smallest quantity which at that time or now American Settlers intending to join in opening and effecting a Settlement in an uncultivated Township in this Province, would accept as a free grant from the Crown?

A. I should think not less than a Lot of 200 acres.

Q. Was not the present distribution of the Townships into Lots of 200 acres adopted in consequence of a knowledge of this fact?

A. I cannot answer this Question, inasmuch as the system of dividing into Lots of 200 acres, was established before I entered into office.

Q. Did not the system of granting to the actual settlers of lots of not less than 200 acres, obtain as well in Lower as in Upper-Canada, down to the last peace with France, and the consequent influx of British Emigrants into these Colonies?

A. I can say nothing as to the cause of the influx, but I believe it was generally the case, that Lots of 200 acres were granted.

Q. Was it not universally the case in this Province?

A. I cannot say whether it was universally the case or not.

Q. Have you any knowledge of any grant being made of a lesser quantity of land than 200 acres to any individual, previous to the peace with France?

A. I do not know of any, as far as my memory goes.

Q. Has any smaller quantity than 200 acres been tendered to British Emigrants latterly?

A. Yes; 100 acres is what is usually tendered and given under Location Tickets, and to a large Family a greater quantity, generally not exceeding 200 acres.

Q. How was the Leader of a Township indemnified for the expense of £340, he receiving no more than 1200 acres, under the Patent, worth from 6d. to 15d. the acre?

A. It was generally understood that they were indemnified by receiving from the other patentees a portion of the lands granted to these patentees.

Q. Did you ever understand or hear what that portion was?

A. I have generally understood that some conveyed 1000 acres, and others less.

Q. Are you aware what is the quantity of Land the Government of Upper-Canada tenders to Emigrants generally?

A. I know nothing about it.

Q. Have there been any new Seigniories erected in this country since its conquest by the British?

A. None that I know of but Murray Bay and Mount Murray, and Shoolbred in the District of Gaspé.

Q. What is the number of Seigniories in the Districts of Quebec, Montreal and Three-Rivers?

A. As far as I can recollect, two hundred and eighteen in the whole Province, viz:

In the District of Quebec,	92 Fiefs & Sgnrs. & 5 Islands.
Three-Rivers,	36 do. do. 2 do.
Montreal,	61 do. do. 9 do.
Gaspé,	11 do. do. 2 do.

amounting altogether to about 12,700,000 arpents.

Q. What portion of the District of Montreal is actually conceded and settled?

A. I conceive considerably upwards of three-fourths, except the Seigniorie of Beauharnois of thirty-six square leagues, which I believe does not exceed one fourth.

Q. What portion of the District of Three-Rivers, and what portion of the District of Quebec, which is susceptible of cultivation, is actually conceded and settled?

A. I conceive on an average hardly two-thirds, many not more than one half, and some which I believe do not exceed one fourth.

Q. Is the surplus Agricultural population of the Province of Lower-Canada at all considerable?

A. I think it is.

Q. Is the distribution of lands in the cultivated parts in the Seigniories of Lower-Canada, amongst their Settlers, tolerably equal?

A. I think it is.

Q. What is the usual size of the Farms in Lower-Canada, in the Seigniories?

A. They are generally of three arpents in front by thirty in depth, or of three arpents in front by forty-two in depth, except in a few singular instances, in some of the first original grants, which have not a greater front but a far greater depth.

Q. Are they not now in many instances subdivided to a degree which renders them insufficient to afford convenience to the farmer and his family?

A. Yes; I believe it to be the case in many parts of this Province.

Q. Is not a Farmer holding six arpents in front by thirty in depth, in the old Settlements, considered as a wealthy landholder by his neighbours?

A. I believe he is.

Q. Is not the proportion of individuals holding farms of this extent in the old Settlements, very small?

A. In proportion to the aggregate Settlers within the Seigniories, I should think it is.

Q. Is not the proportion of individuals settled upon lots of land of less than three arpents in front, situate in the front Concessions of the Seigniories lying between this place and Montreal, considerable?

A. I cannot positively answer this question, not having directed my attention to this object, but I believe it to be the case.

Q. What were the rents and services with which the Farmers were charged anterior to the conquest?

A. They vary; some at forty *Sols*, others one *Ecu Tournois*, but I believe never exceeding.

Q. Are these charges deemed onerous by the people of the Country?

A. I never understood they were.

Q. Would they prefer to settle in the Seigniories with these charges, in preference to settling on lands in Free and Common Socage?

A. I presume they would.

Q. Have any number of Canadian Settlers established themselves on the lands granted in Free and Common Socage?

A. I believe very few.

Q. To what cause do you attribute this?

A. The reasons are obvious; they do not like the Tenure, as they do not know it, they do not like to leave their relations and friends, and they like to be within reach of their Churches.

Q. Have the goodness to look at the List in your Topographical Work, and to inform the Committee how many of the Lea-

ders of Townships named in that List, were Members of the Executive or Legislative Council of the Province?

A. I believe about six of the Executive and five of the Legislative Council.

Q. Do not six Members and even less, usually constitute a majority of the Executive Council?

A. I cannot positively say the number necessary to constitute a Quorum in the Council.

Q. How many of the individuals in that List receiving lands of larger grants than 1200 acres, were Law-Officers of the Crown?

A. I believe only one.

Q. How many of the said Leaders were Civil Officers of the Crown, receiving emoluments for their services, exclusive of the above two classes?

A. I believe about seven or eight, as far as I can judge.

Q. How many persons engaged exclusively in large Commercial dealings in the Cities of Montreal and Quebec became Leaders of Townships?

A. About six Merchants.

Q. How many persons of the Military Staff of His Excellency the Governor in Chief for the time being, were Leaders of Townships?

A. Two.

Q. Supposing that each of the Leaders of the first Class received from each of the Associates a conveyance of one thousand acres, what was the whole quantity of acres of the Waste Lands of the Crown, of which they became possessed?

A. As the Leaders of Townships held generally one fourth or one half of a Township, in that case those that were Leaders for one fourth of a River Township, admitting the re-conveyance as above stated, would remain for one fourth of a Township about 10,200 acres, for half a Township 20,400, and in cases of a whole Township about 40,800 acres.

Q. What was the entire quantity of land given to His Excellency Sir Robert Shore Milnes, and to the Members of the Executive Council, under *Mandamuses* from England, as a remuneration for their Services?

A. There was granted to Sir Robert Shore Milnes, 48,000 acres, and to some of the Executive Councillors 12,000 acres each, and to others 6000 acres each.

Q. Will you have the goodness to look at the above mentioned list, and state what quantity of land was given to the Legislative Councillors as Leaders?

A. About 25,000 acres.

Q. What was the quantity given to Crown Officers, exceeding 1200 acres?

A. I cannot say exactly, I believe something exceeding 3000 acres.

Q. What is the total quantity of Land granted to Civil Officers of the Government as Leaders, and their Associates?

A. About 195,800.

Q. What is the total amount of land granted to Merchants?

A. About 112900 acres.

Q. What is the quantity of Land granted to persons coming from the United States as Leaders?

A. About 376,200 acres.

Q. What is the quantity of cultivable land in the southern shore, contained within the ungranted waste lands of the Crown?

A. There remains ungranted within the triangular space of Country bounded by the Province Line Latitude forty-five degrees north, by the Saint Lawrence on the north, and the River Chaudière to the north-east, about 1,800,000 acres, after deducting the two-sevenths for Crown and Clergy reservations; I should conceive that upwards of three-fourths is cultivable land, and fit for every species of grain peculiar to the Country.

Q. What is the quantity of cultivable Waste Lands of the Crown lying between the Ottawa and Saguenay Rivers?

A. I cannot give a correct idea of the lands fit for culture between the Saguenay and the Rivière du Goufre, yet I am of opinion that there may be found many tracts of cultivable land, though the Country is generally extremely mountainous, but from the Goufre to the Ottawa there may be found in the rear of the old grants, between the ridge of mountains that extend in a south west direction, nearly parallel with the Saint Lawrence, and strike the Ottawa in Granville, about 300,000 acres of arable and cultivable Land, including the ungranted parts of the Townships already laid out within that space.

Q. What would be the most advantageous and shortest road from Quebec communicating with Upper-Canada?

A. From Berthier a road might be laid out in the direction of the Township of Kildare through Rawdon, Kilkenny, Abercrombie, Wentworth, Chatham, &c., to Granville, which would shorten the distance from Berthier to the latter place of thirty-one miles and communicate with Upper-Canada.

Q. What are the Fees taken in the Land granting business?

A. My Patent Fees are 15s. per 1000 acres, and as far as I can recollect those of the Secretary of the Province 10s. and that of the Clerk of the Council, I believe 10s. Governor 15s. Auditor 6s.-8d. Registrar 5s. Attorney-General 10s.

Q. Are there any other taken by any or all those Officers and what are they?

A. I can only answer for myself with respect to a correct statement of Fees. Lands at present granted under military conditions produce the following Fees in my Office 7s.-8d. per Location Ticket, Certificates of vacancy 2s.-6d.

The List mentioned in the above Evidence is as followeth:—

Mr. Sax appeared before your Committee.

He says he is Surveyor of Lands; that he commenced his apprenticeship in the year 1789, and that for twenty years from that time he has been occupied in practical Survey within this Province. He Surveyed different Seigniories and Townships in the District of Montreal. The country generally speaking, is hilly in the Townships, but the soil good and strong, and the land cultivable, excepting here and there a mountain and some swamps. The borders of the Saint Lawrence are granted in Seigniories, and towards the Lines on the Sorel River it is also granted in Seigniories. There are also five or six Seigniories on the St. Francis, and the lands granted in Free and Common Soccage beyond the Seigniories, amount to about two millions of acres, but there remains upwards of one million of acres in the tracts erected into Townships ungranted, exclusive of the Crown and Clergy reserves. In Townships already erected, the one half of the lands are of an excellent quality, and the other half of an inferior quality. He does not know what is the quality of the lands ungranted and not surveyed. The nearest point of the ungranted and unsurveyed lands is about six miles from the Canadian Settlements, the most remote point is from fifty to sixty miles. He knows nothing of the ungranted lands lying on the north shore of the River Saint Lawrence, excepting the Township of Brandon in the rear of Berthier, in the District of Montreal, which he surveyed himself, and the land of which is excellent except in the rear, which is mountainous.—The Fees upon the Grants or Patents are £3 6s. 8d. per one thousand acres, exclusive of the expenses of the Survey, but for those lands which are granted by Location Tickets, the Fees are 15s. 6d. per name, on filing the Petition at the Executive Council Office, 10s. 2d. at the Surveyor-General's Office, 2s. 6d. at the Provincial Secretary's Office, and he believes 2s. 6d. more at the Executive Council Office for a Copy of the Report, which is lodged in the Surveyor-General's Office. The first expense to which the Petitioner for land is subjected, is the payment of 2s. 6d. to the Surveyor-General for a Certificate of vacancy; the second charge is likewise 2s. 6d. at the Provincial Secretary's Office for a certificate that no Patent has been granted for the land prayed for; the third charge is 15s. 6d. to be paid to the Clerk of the Executive Council, and exacted previous to the Petition being received; the fourth charge of 2s. 6d. is likewise exacted by the same Officer for a Copy of the Order in Council; the fifth charge is 7s. 8d. at the Surveyor-General's Office for the Location Tickets, making altogether thirty shillings and eight pence.



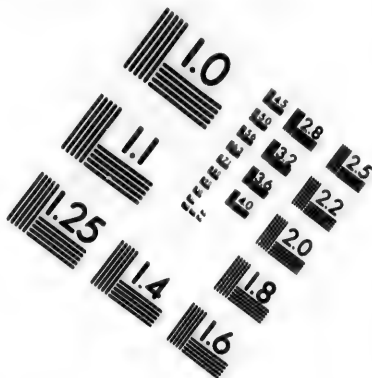
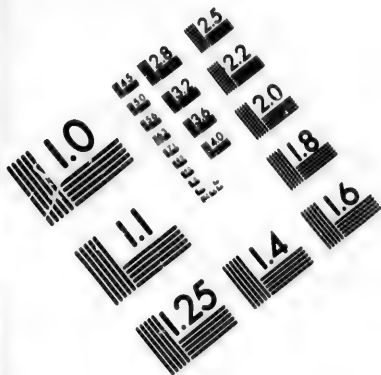
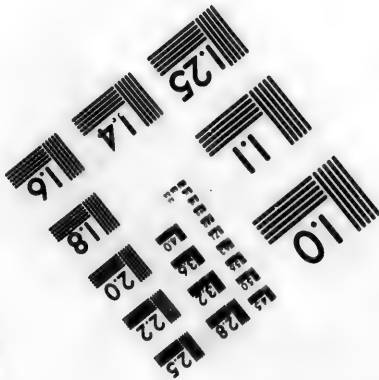
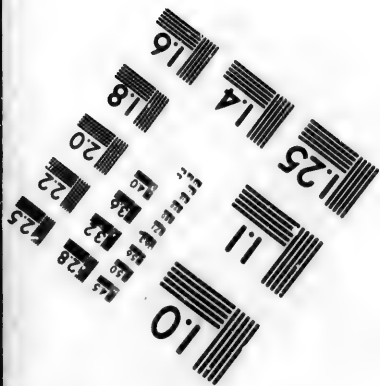
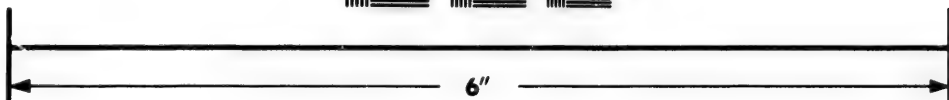
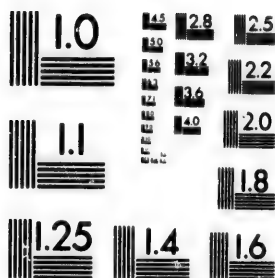
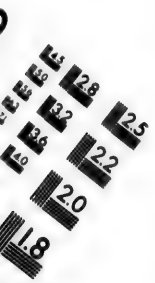


IMAGE EVALUATION TEST TARGET (MT-3)



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Mr. Sax further says that this Location Ticket is given to the person intending to settle such land, and on conditions of settlement by himself or some other person for him, and clearing four acres of land and building a house on his grant. The grantee of half a Lot is bound to do as much as the grantee of six Lots, equal to 1200 acres. The erecting of Townships and the granting of lands on the south shore of the River Saint Lawrence commenced in 1792, and continued in large grants till about 1798. It was well known during the whole of that period of time, that no more than 1200 acres could be granted in a Township to one individual, and it was also understood that such grantee could not obtain a grant in any other Township. The population of the Townships on the south shore of the Saint Lawrence is about twenty thousand souls, giving about four thousand Militia men. The Settlements in the Seigniories have more rapidly augmented than in the Townships. The Seigniors grant lands at the rate of five *livres* and two *sols*, and two and a quarter minots of wheat for ninety arpents in superficies, and others much less. There are some exceptions to this; in some instances sixpence for every superficial arpent is exacted per annum. There are some Seigniors who sell their lands at an arbitrary rate, by fixing the price themselves besides exacting the annual rents.

Q. What is the number of British Emigrants that are actually settled in this Province since the last peace with France?

A. I think that the number of Emigrants settled in this Province is about one hundred, and does not exceed one hundred and fifty, to the best of my knowledge.

Q. What has been the number of applications of Emigrants for settling in this Province?

A. The number is about one thousand.

Q. How long ago is it that these applications were made?

A. Within the two last years the number of applications amounted to about six hundred, and in the preceding years to four hundred.

Q. What is the average time before the applicants obtain their Location Tickets, and are enabled to settle on their lands?

A. From one month to three months.

Q. May not the interval of one month's delay in a particular season, deprive the emigrant of obtaining a crop from his land, or put him back?

A. I think it may put him back for eight months.

G. W. Allsopp, Esquire, appeared before your Committee.

Q. Have you had any and what means of becoming acquainted with the manner of applying for and obtaining grants of land in the Townships situated on the southern shore of the St. Lawrence?

A. It is so many years since, that I have very little recollection, those transactions were generally done by my father, who was living at the time.

Q. What is the import of the term "Leader" of a Township, and who are the persons known by the names of "Associates"?

A. The term Leader of a Township is applied to persons applying for a quarter, half, or a whole Township, and Associates are persons who are considered to be the cultivators, or persons who are to assist in the establishment of a Township.

Q. In what proportions are the grants to the Leader and the Associates made in the Patent which is ultimately issued?

A. Twelve hundred acres for the Leaders, and twelve hundred acres for each associate.

Q. Who paid the expenses of Survey and the Patent Fees?

A. The Leaders as far as I know paid all the expenses of exploring, Survey and Patent Fees.

Q. Who presented the Petition, attended it through its progress, and exerted himself to obtain a successful result?

A. The Leader.

Q. Who paid the agents for their trouble?

A. Not having had any agents for what I have been concerned in, I do not know, but I have understood that persons applying for Lands at a distance from the Capital did employ agents resident at Quebec, to obtain the lands that they applied for.

Q. Did the Leaders obtain any and what remuneration or reimbursement for the above services and expenses?

A. The Leaders made different arrangements with their Associates according to the situation in which Townships were placed, some more, some less. As far as I have understood they have got one thousand acres out of twelve hundred transferred to them, on their being at the whole expense of exploring, surveying, subdividing, and paying the fees of Office.

Q. What was the description of persons whose names were used as Associates; were they likely to make actual settlements or otherwise?

A. My Associates in half a quarter of a Township which I obtained were respectable Tradesmen, Canadians, residing in the City of Quebec, and at that period having property and funds capable of providing for the settlement of their respective portions, and I believe they are still possessors of these Lands.

Q. What was the consideration you gave to your Associates?

A. As a Leader for the small part of the Township I obtained, I applied for it in my own name, and gave in the names of my Associates, having previously explained to the Associates in what

way they were to re-convey a part of the lands to be granted to them, to myself as Leader.

Q. What was the quantity of land reconveyed to you ?

A. Having been at considerable expense in exploring, surveying and subdividing for so small a part of a Township as I obtained, I received eleven hundred acres out of the twelve hundred from each Associate, who consisted of four persons.

Q. Have you any knowledge of a less quantity than one thousand acres being stipulated for by the Leader ?

A. I know nothing about it.

Q. Have you any knowledge of the Associates assigning or agreeing to assign their interest in the two hundred acres previous to the issuing of the Patent, and did this occur frequently ?

A. Not to my knowledge.

Q. What was the average price of the waste lands of the Crown at that time ?

A. That was entirely guided by the situation where the Townships were placed. I suppose from one shilling an acre to ten shillings, or more.

Q. What quantity of the waste lands of the Crown have you in your possession ?

A. I do not exactly know the quantity, but I suppose about five thousand acres.

Q. Have you caused to be cleared and inclosed any and what quantity of land, and at what price and where ?

A. No I have not ; but I have at various times attempted to get Settlers.

Q. Have you knowledge that lands in the actual possession and occupation of different individuals, improved by them, have been subsequently granted to other individuals, and to any and what extent ?

A. I know nothing about it, except from what I might have heard.

Q. Are there not many persons in this Province whose pursuits are altogether foreign from agriculture, and who possess like yourself large tracts of waste lands of the Crown ?

A. There may be many in this Province, but I have no personal knowledge of the fact.

Q. Look at the General Statement of lands granted in free and common Soccage in the Province of Lower-Canada, as contained in Lieutenant Colonel Bouchette's Work, and tell the Committee how many were Leaders of Townships ?

A. I have only a knowledge of six persons contained in that List, who were Leaders of Townships, there are many others

in the same List who, as I have been informed from general report, were Leaders of Townships.

Q. Do you think that any person within this Province, disposed to become an actual Settler, would accept fifty or one hundred acres of the ungranted waste lands of the Crown, on condition of effecting an actual settlement thereon?

A. Very few, unless considerable advances were made to them, or except they had some funds of their own.

Q. Do the large tracts of land held by yourself and others in the Townships, and who do not reside there and improve and cultivate the same, yield any and what revenues to the proprietor thereof?

A. I have never received any remuneration or profit from that part of the Township that I possess, nor from the disbursements that I made towards it.

Q. What in your estimation has retarded the Settlement thereof?

A. The manner in which the Reserves of the Crown and Clergy in the Townships have been divided, has operated as a discouragement to a settlement of the lands in my opinion; I think it would have been better if these reserves had been placed in one corner of the Township, which would have been advantageous to the Grantee as well as the Crown.

Q. Do you apprehend that the absence of the large landed proprietors, and their neglecting their Settlement duties, has mainly contributed to retard the settlement of these lands?

A. Yes, in some instances.

Mr. J. P. Robinson, Culler of Timber, of the City of Quebec, appeared before your Committee, and answered as followeth:—

Q. Have you resided for any and what length of time in the Townships on the south shore of the River St. Lawrence, in the District of Three-Rivers?

A. I have resided for eight years, from 1806 to 1814, generally in the Townships of Compton and Ascott.

Q. Have you caused to be cleared and inclosed any and what quantity of land, and at what price and where?

A. I cleared myself in the Township of Compton about sixty acres; the common price for clearing was about ten dollars per acre?

Q. What is the quantity of Stock in your possession, and have you erected any and what buildings upon the said land, and of what value?

A. My quantity of Stock was very small, I erected a house of the value of £100, but no other buildings. I have since disposed of my property at a small value.

Q. Have you passed through any and what Townships, and what is the extent of the cleared lands in the same, and the population thereof respectively, and are there any and what Townships on the south shore in which there are no clearings or Settlements?

A. I have passed through the whole of the Townships on the River St. Francis, as far as the Township of Eaton, and from Affcott to Stanstead on the line. The Township of Stanstead is for the greatest part cleared and settled: there are four Companies of Militia in that Township. The Township of Hatley is in part cleared and settled; the other Townships are partly cleared, some more some less. There are some Townships, for instance Barford, Stoke, and a few others where there are no Settlements.

Q. What is the state of the roads in the said Townships and are there any and what causes, which tend to advance or retard the improvement of the internal communications of the said Townships?

A. The roads in general are bad, the cause is that the Crown and Clergy Reserves are not settled; likewise the absence from the Province of large landholders, the actual settlers having been obliged to open and make these roads through necessity; this all retards the settlement, and this is the principal cause why I parted with my property in the Township of Compton.

Q. Are there any and what number of persons in the said Townships who have settled upon and improved waste lands of the Crown in the same, which said lands have since the said Settlement been granted by patent under the Great Seal of the Province to other individuals, and what is the number of the said Settlers, and to what business, profession or education were they educated, and what generally were the places of residence, profession and occupations of the Grantees of the Crown, and have these latter made or attempted to make any settlement upon the same?

A. I have no personal knowledge of the matters referred to in this Question, but it is generally believed so in the Townships, and particularly in the Township of Stanstead. I know one person who bought a lot of land about twelve years ago in a state of nature, in the Township of Compton, and after clearing thirty or forty acres of the same, and building a house and a barn thereon, he learned that the land belonged to His Excellency Sir Robert Shore Milnes. This person, to my knowledge has sent a petition to the former Governor, His Grace the Duke of Richmond, for a grant of this said land, and has as yet not received any answer to his Petition, but he still remains at the present moment on the said land, in expectation of obtaining a title. Several persons

went and settled on these lands and made partial clearings, but not being able to procure titles they left them. I believe there are several other persons in the same situation, but I cannot specify any particular instance. Most of the Grantees of the Township of Compton, have never attempted to make any Settlement or any roads upon the same, and they are not likely to do so under existing circumstances.

Q. What are the causes which in your estimation have contributed to advance or retard the Settlement of the said Townships, and the prosperity of the same?

A. The causes why the Townships are not more settled, is the badness of the roads, the want of Schools and of Courts of justice and the unequal distribution of the lands. and in as much as the Crown and Clergy Reserves interfere with the keeping the roads in order; for the people who are partly settled on these Reserves are not bound to assist in making roads. Many persons have taken lands in these Townships and began making farms, but on account of the above stated difficulties, they have deserted their farms or sold them at a very small price.

Q. What is the distribution of the said lands, are they generally distributed equally or otherwise, and what is the usual size and dimensions of the farms in the said Townships?

A. The Grants to some individuals are too large to expect that they would settle thereon and improve the same: for instance, in the Township of Compton, nearly one half of that Township is granted to one individual, and no settlements or roads have ever been effected by him, or even an acre of land sold by him since his grant. The usual size of farms where people have settled on and made improvements, is from thirty to one hundred acres.

Mr. Jacob Pozer appeared before your Committee.

Q. Have you had any and what means of becoming acquainted with the manner of applying for and obtaining grants of Land in the Townships situated on the southern shore of the St. Lawrence?

A. I applied about two years ago jointly with my father and brothers, for part of the Township of Shenley, adjoining my father's Seignior, to His Grace the Duke of Richmond, to which Petition we received the same day an answer on the back of it, by which it was sent to the Land Committee. After the lapse of three or four months I was sent for by the land Committee, requesting to know whether I had any thing to add to the Petition, and they gave for answer that they had it not in their power to grant

the whole of our prayer, that I should further consider on it, and return the Petition, and they would send it to the Land Board in England for further consideration.

Q. What is the number and the description of Settlers whom you were desirous of putting upon these lands?

A. About one hundred and thirteen Germans.

Q. What is since become of them?

A. There are about thirty of them who went away, the remainder settled upon the Seignior of Aubert Gallion, belonging to my father.

Q. Was your father one of those persons known by the name of Loyalists, and did he serve and in what capacity during the revolutionary war?

A. Yes, he served in the Provincial Corps of Sir J. Johnson as a Serjeant and was on duty at the evacuation of New-York.

Q. Did he make any and what application for grants and with whom, and singly and with what description of Persons, and what was the result of his application?

A. He signed a Petition which was taken round by the Honourable Hugh Finlay as Leader of a Township for himself and his family, and several of our neighbours did the same. The Township was granted to Mr. Hugh Finlay. Some years ago, conceiving that these lands might be valuable, I made enquiries in the Provincial Secretary's Office, expecting to find in it the name of my father for twelve hundred acres, my mother, myself and my six brothers and sisters for twelve hundred acres each, and found that our names and those of our neighbours were not in the grant, but names of other persons whom I do not know nor ever heard of.

Q. Was not the Honourable Hugh Finlay a Member of the Executive Council and a Member of the Land Board?

A. Mr. Finlay was a Member of the Executive Council, but whether he was a Member of the Land Board I cannot say.

Q. Were any of the neighbours whom you have spoken of, Loyalists, or have they served during the American war?

A. Yes, one of them by the name of Brown, was armourer, and afterwards Master Armourer of the Ordnance Department at Quebec. Mr. McKenzie, another of our neighbours, served in the Highland Regiment in Lower-Canada in the sieges of 1759 and 1774.

Q. To your belief or knowledge, is there any considerable number of Loyalists settled in the Townships on the Southern shore of the St. Lawrence?

A. None that I know of.

Mr. Thomas Cary, Senior, appeared before your Committee.

Q. Have you had any and what means of becoming acquainted with the manner of applying for and obtaining Grants of Land in the Townships?

A. Yes, my means are the knowledge acquired from having been several years a Clerk in the Executive Council Office, and acting Clerk of the Council during Mr. Ryland's absence, during the whole of General Prescott's administration, and also during the time of Lord Dorchester's administration, from the time when the Land granting business began.

Q. What is the import of the term "Leader" of a Township, and who were the persons known by the name of "Associates"?

A. The Leader is the Chief of a Township, to whom, and a sufficient number of Associates, the Township is granted at the rate of twelve hundred acres each. No man by the King's Instructions being allowed more than twelve hundred acres. This is to be considered as unconnected with Military Grants.

Q. Who paid the expenses of Survey, and the Patent Fees?

A. The expenses of Survey were at first, I believe, paid by the Crown, the Patent Fees by the Grantees.

Q. Who presented the Petition, attended it through its progress, and exerted himself to obtain a successful result?

A. The Leaders at first, and afterwards Agents were employed by the Leaders, but this was a private transaction.

Q. Who paid the Agent for this trouble?

A. The Leader.

Q. Did the Leaders obtain any and what remuneration or reimbursement for the above services and expenses?

A. I have generally understood that the Associates in consideration of two hundred acres clear to them free of all expense, conveyed to the Leader their remaining one thousand acres, but this was all by private agreement, and therefore might vary, sometimes more sometimes less; or there might have been other considerations.

Q. Were the arrangements of this nature private, or were they notorious and public?

A. It was generally understood so publicly.

Q. During the administration of General Prescott, were there not many applications pending before the Council?

A. There were many pending, but they had been principally made during Lord Dorchester's time.

Q. What length of time had those applications been pending?

A. I think the greater part of them laid over for years, before any Patents were issued.

Q. What was the nature of the differences between His Excellency General Prescott and the Executive Council, so far as you feel yourself at liberty to state these things?

A. I understood it to be respecting the land granting business. When the land granting business was first commenced, there was a set of Books

called the Land Books, which were considered to be open and public, as distinguished from another set of Books, called the State Journals.

Q. Did you not incur the displeasure of the Council, in consequence of acting under this impression that the Land Journals were public?

A. Yes.

Q. Had the parties making application for land free access to the King's instructions respecting waste lands of the Crown?

A. They had access to the Journals by means of extracts, they had no access to the King's instructions.

Q. Were there any and what fees received by the Clerk of the Executive Council, for services rendered by him in the land granting business?

A. In the beginning there were no fees. I think there were none during the whole time that Mr. Williams was in that Office. About the time that Mr. Ryland came into that Office as a Clerk of the Executive Council, I believe there was a Tarif of Fees for the different offices concerned in the land granting business.

Q. Was the Tarif established in England, or in the Executive Council?

A. In the Executive Council I think.

Q. Is not that Tarif in direct contravention of His Majesty's instructions?

A. I cannot say. I think there were no Fees in Mr. Williams' time, but I think there were some allowed in Mr. Ryland's time. Over and above the fees charged in the Tarif, there were fees charged for extracts from Journals from the Land Book by Mr. Ryland, but I think not by Mr. Williams. I believe the reason why no fees were taken at first, was, that the Grantees might have their lands free of expense.

Thomas Lee, Esquire, Notary Public, appeared before your Committee.

Q. Have you had any and what means of becoming acquainted with the manner of applying for and obtaining grants of Land in the Townships?

A. I have had an opportunity of knowing what is done to obtain lands in the Townships, having been a Notary's Clerk with Mr. Voyer the younger, in 1799, 1800, 1801, 1802 and 1803, at the time many of those lands were granted to various persons.

Q. What is the Import of the term "Leader" of a Township, and who are the persons known by the name of "Associates"?

A. By "Leader," I understand a person who associates himself with a number of persons to obtain those lands or Townships, and by "Associates" the same individuals, who for a trifle reconvey to the Leader the lands which the Government has granted them, after having obtained Letters Patent.

Q. In what proportions are the grants to the Leader and the Associates made in the Patent which is ultimately issued?

A. As well as I can recollect twelve hundred acres of land were granted to the Leader and each of his Associates indiscriminately.

Q. Who paid the expenses of Survey and the Patent Fees?

A. The Leader.

Q. Who presented the Petition, attended it through its progress and exerted himself to obtain a successful result?

A. The Leader, or an Agent whom he employed, for the Associates were merely nominal.

Q. Did the Leader obtain any and what remuneration or reimbursement for the above services and expenses?

A. The remuneration of the Leader consisted in the reconveyance which the Associate made to him for a trifle, that is to say fifteen or twenty shillings, as soon as the letters Patent were obtained from Government.

Q. What was the description of persons whose names were used as Associates, were they persons likely to make actual Settlement or otherwise?

A. The first person that offered was taken, provided he took the oath of allegiance to the King of England.

Q. How were Signatures obtained to the Petitions, and what were the motives and considerations held out to the Associates generally?

A. By promising them fifteen or twenty shillings, sometimes less.

Q. Have you any knowledge of a less quantity than one thousand acres being stipulated for by the Leader?

A. Not to my knowledge.

Q. Have you any knowledge of the Associates assigning or agreeing to assign their interests in the two hundred acres previous to the issuing the Patent, and did this occur frequently?

A. Almost in every case.

Q. What was the average price of Waste Lands of the Crown at that time?

A. It varied, there were some of which the average price was from two shillings to two shillings and sixpence per acre, but they were in general worth from one shilling to one shilling and three pence, according to the situation of the Land.

Q. What is their average price now?

A. I have no idea.

Q. What quantity of Waste Lands of the Crown have you in your possession?

A. I had some at that time, but I have parted with them since.

Q. Are there not many individuals within this Province, whose pursuits are altogether foreign from Agriculture, and who possess large tracts of Waste Lands of the Crown?

A. Yes, a great many, which has impeded the progress of the population and the welfare of the Country.

Q. How many such persons do you know?

A. Almost all the persons named in the General Statement of the Crown Lands granted in Free and Common Socage to various persons since 1795, in the Topography of Canada by Jos. Bouchette Esquire.

Q. Do you know, or have you reason to believe that there are many persons resident in this Province or elsewhere, possessing tracts of Land

of from twelve hundred acres upwards to sixty thousand acres, who have laid out no money upon them, and have not performed the Settlement duties?

A. I believe that excepting the expense of Survey &c. the persons named in the above mentioned General Statement, have not laid out a single halfpenny on clearing them or advancing their cultivation.

Q. Do you think that any person of British extraction upon the Continent of North America, disposed to become an actual Settler, would accept fifty or one hundred acres of the ungranted and Waste Lands of the Crown, on condition of effecting an actual Settlement thereon?

A. I think there are none, for so small a quantity of land would not indemnify any person for the privations and expenses to which such Settlements are liable by their remoteness from the settled lands.

Q. Have you known any instance of there being tendered to an actual Settler by the Provincial Government a less quantity than two hundred acres since the last peace with France, and the consequent influx of Emigrants into these Provinces from Great Britain and Ireland?

A. I have not had an opportunity of knowing whether Government have made such offers or not, but I know the emigration from the mother country has been considerable for several years.

Q. What in your estimation has retarded the Settlement of those Lands?

A. I think the Crown and Clergy Reserves added to the Grants which have been made of large quantities of land to various persons who delay selling them in order to obtain a higher price, also the law of the Country which does not extend to the Townships for the opening and repair of Highways, is one of the principal causes.

Q. Have you in your possession as Notary, any and what number of Instruments, by which Leaders of Townships entered into an agreement with their Associates, by which the Associates bound themselves to transfer or reconvey a certain portion of their grants to the Leaders, and were or were not these instruments made in one and the same usual and accustomed form?

A. Since my becoming a Notary in 1805, I have not passed any act for the reconveyance of Lands granted by Government, except by the Associates for the Township of Hull, to Mr. Philemon Wright, their Leader.

Q. What was the usual quantity of land so reconveyed?

A. In the case abovementioned the reconveyance was one thousand acres, but generally the Associates reconveyed the whole to their Leader.

Q. Were these Instruments executed secretly and covertly, or was not this mode of obtaining a larger grant than twelve hundred acres, as limited by His Majesty's instructions, notorious and public?

A. The granting of those lands to various persons has always appeared to me a privileged matter, although it was notorious and public, because they were granted only to Executive Councillors and their Friends, having endeavoured both for myself and my friends to obtain Crown

Lands with a view to settling them, I have ever experienced on the part of the Officers of Government who had the management of these matters, obstacles nearly insurmountable.

Q. By whom were these forms prepared, as it was generally understood at the time, and as you believe?

A. It was the present Chief Justice, who was then Attorney General, who drew the form by Lease and Release for the cases of John Black, the late Honorable John Young, the late Joseph Frobisher, Isaac Todd, Montour, and many others, whose names I do not recollect. I know this, because, while a Clerk at Mr. Voyer's, I used to go to Mr. Sewell's myself for the Draught in order to have it printed.

Q. Who printed these forms?

A. The King's Printer.

Jacques Voyer, Esquire, Notary Public, appeared before your Committee, and answered as followeth:

A. Have you had any and what means of becoming acquainted with the manner of applying for and obtaining grants of land in the Townships situated on the southern shore of the St. Lawrence?

A. Yes I have, having applied for some for myself, and for others on several occasions, as Land Agent, for many Townships, in the years 1800, 1801, 1802, and 1803.

Q. What is the import of the term "Leader" of a Township, and who are the persons known by the name of "Associates?"

A. The Leader of a Township is the person who applies for the grant of lands forming a Township, and the Associates are the persons who lend their names to the Leader to obtain the same.

Q. In what proportions are the grants to the Leader and the Associates made in the Patent which is ultimately issued?

A. In an equal proportion of twelve hundred acres to each of them.

Q. Who paid the expenses of Survey and the Patent Fees?

A. The Leaders of the Townships paid them in every case which came to my knowledge and for whom I acted as Agent.

Q. Who presented the Petition, attended it through its progress, and exerted himself to obtain a successful result?

A. The Leaders or their Agents.

Q. Who paid their Agents for this trouble?

A. The Leaders.

Q. Did the Leaders obtain any and what remuneration or reimbursement for the above services and expenses?

A. Previous to their taking any steps for obtaining a grant, the Leaders of the Townships entered into an agreement with their Associates, by which the Associates bound themselves to transfer one thousand acres, and in some instances eleven hundred acres of

the lands which they were to obtain by the grant, in consideration whereof the Leaders obliged themselves to pay all the expenses which were to be incurred for the survey of the lands and for the obtaining of the grant.

Q. Have you in your possession as Notary, any and what number of instruments of the description last mentioned, and were they or were they not in the usual and accustomed form?

A. I have executed instruments of this description for at least ten Townships, the exact number I cannot tell, they were in the usual and accustomed printed form. Immediately after the issuing of the Letters Patent, the agreement or instrument above alluded to was followed and carried into effect by the execution of deeds executed by the Associates, thereby conveying to the Leaders in full right one thousand acres, and in some instances eleven hundred acres as above mentioned.

Q. Could you furnish to the Committee Copies of the instruments you have just now mentioned?

A. I could, having the originals in my possession.

Whereupon Mr. Voyer was requested to furnish the Committee with all convenient diligence Copies of the above mentioned forms.

Q. Were these instruments executed secretly and covertly, or was not this mode of obtaining a larger grant than twelve hundred acres, as limited by His Majesty's instructions, notorious and public?

A. They were executed publicly and were notorious to all the world.

Q. By whom were these Forms prepared as it was generally understood at the time, and as you believe?

A. I understood, when they were first handed to me, that they had been prepared by His Majesty's Attorney General at that time; the person who gave them to me told me so. In consequence of which, and of the correctness of form, as coming from such high authority, I caused the same to be printed, and obtained considerable employment as a Notary in these transactions.

Q. What was the description of persons whose names were used as Associates, were they persons likely to make actual Settlement or otherwise?

A. A few of them, such as those of the Township of Shipton were likely to become actual settlers, the other were generally poor people, who sold the two hundred acres which they had reserved by their agreement to the Leaders for a trifling consideration.

Q. What was that consideration?

A. From half a guinea to eight dollars; I bought myself many for half a guinea.

Q. How were Signatures obtained to the Petitions, and what were the motives and considerations held out to the Associates generally?

A. The Signatures were obtained from the Associates in consideration of the promise held out to them that they should obtain two hundred acres of the land which might be granted to them.

Q. Have you any knowledge of a less quantity than one thousand acres being stipulated for by the Leader?

A. Never, not only amongst those which I have passed as a Notary, but also amongst those which I have seen, and which were numerous.

Q. Have any knowledge of the Associates assigning or agreeing to assign their interest in the two hundred acres previous to the issuing the patent, and did this occur frequently?

A. No.

Q. What was the average price of the waste lands of the Crown at that time?

A. About sixpence per acre.

Q. What is their average price now?

A. If I take it as a rule that the thing is only worth what it would fetch, they are not more worth now, but I would not sell mine now for less than two shillings and sixpence. They may be worth about two shillings and sixpence per acre, but I think that they could not fetch more than sixpence per acre ready cash.

Q. What quantity of Waste Lands of the Crown have you in your possession?

A. About thirty thousand acres.

Q. Have you caused to be cleared and inclosed any and what quantity of land and at what price and where?

A. I have caused about eighty acres to be cleared in the Township of Frampton, at the expense of about ten dollars the acre.

Q. What is the quantity of Stock in your possession, and have you erected any and what buildings upon the said land.

A. The land I have since sold, and I have no Stock in my possession.

Q. Of the remainder of the said thirty thousand acres, have you caused to be cleared and enclosed any and what quantity, at what price and where?

A. I have not. I have sold various lots of the same, which are partly cleared.

Q. At what price or prices upon an average, were the same sold, and by whom were the clearings upon the same effected?

A. I sold the greater part at one shilling the acre, and the remainder from two shillings to two shillings and sixpence, the clearings were effected by the purchasers.

Q. Have you erected any and what buildings upon the remainder of the said land, and of what value?

A. I have not.

Q. Have you any knowledge that Lands in the actual occupation of different individuals and improved by them, have been subsequently granted to other individuals, in the manner above mentioned, and to what extent?

A. I have not a personal knowledge of the fact, but heard different persons complain that it had been the case with regard to them.

Q. Is this not a matter of public notoriety, and have you any doubt on the subject?

A. From the knowledge I have of the character of the persons who made the complaint, I have no doubt but what it is true, but I do not think it is a matter of public notoriety.

Q. Are there not many persons within this Province whose pursuits are altogether foreign from Agriculture, and who possess like yourself large tracts of Waste Lands of the Crown?

A. I know some persons who like myself hold large tracts of land, and whose pursuits are foreign from Agriculture, but who have expended large sums of money to have them settled.

Q. How many such persons do you know?

A. I know two only from my own knowledge.

Q. Do you know or have you reason to believe that there are many persons resident in this Province or elsewhere, possessing tracts of land of from twelve hundred upwards to sixty thousand acres, who have laid out no money upon them, and have not performed the settlement duties?

A. I believe that there are many persons in the Province and elsewhere, who do possess large tracts of those lands, who have laid out no money or very little upon them, and they have not performed the Settlement duties.

Q. Do you think that any person within this Province disposed to become an actual Settler would accept fifty or one hundred acres of the ungranted and waste lands of the Crown, on condition of effecting an actual Settlement thereon?

A. No, I am sure they would not, for to my personal knowledge all the militia men to whom a grant of one hundred acres for privates, and two hundred acres for non-commissioned Officers, were offered for their services during the late American war, on paying the patent fees, would not accept them; and I have myself on several occasions offered half a lot of land to individuals in a Township partly settled, if they would go and actually settle it, and I have not found one that would accept of the offer.

Q. Have you known any instance of there being tendered to an actual Settler by the Provincial Government a less quantity

than two hundred acres since the last Peace with France, and the consequent influx of Emigrants into these Provinces from Great Britain and Ireland ?

A. There was never any lesser quantity than two hundred acres tendered to Settlers previous to the last peace with France ; four hundred acres were granted to the militia men who had served during the Blockade of Quebec, in 1775.

Q. Do the large tracts of land held by yourself and others in the Townships, and who do not reside there, and improve and cultivate the same, yield any and what revenues to the proprietors thereof ?

A. They do not, they are a source of expense, trouble, plague and anxiety.

Q. I presume then that yourself and the others would willingly surrender these lands to the Crown to get rid of this source of expense, care and anxiety ?

A. I would not by any means, but I would cheerfully and willingly give one half of them to individuals who would go actually to settle upon them.

Q. How do you and the other large proprietors generally expect to be indemnified for this expense, trouble and anxiety ?

A. I do not expect to be indemnified for my trouble and expense.

Q. What in your estimation has retarded the Settlement of these Lands ?

A. It may be attributed to the following causes :

1°. To the Tenure under which they were originally granted, which considering it with the disadvantages under which it was established, to wit: The right of reserving two seventh parts of the lands thereby granted, was not calculated to promote and encourage the settlement thereof.

2°. To the great number of grants which were made within too short a period, of wild lands which covered a surface of from twenty to forty-five miles, and which from the great distance to which the most part of them were from the Settlements, were inaccessible to the owners thereof.

3°. In not having laid out, previous to the granting of any of the said Waste Lands, three grand routs or roads leading from the respective Towns of Quebec, Montreal and William Henry, to the Lines, and in not having granted immediately after, all the lots on both sides thereof to actual Settlers, who in that case would have kept the same in repair in summer, and in a state fit to travel upon in the winter. The want of those grand routs or roads, from which partial roads might have been made at a very

small expence to communicate into the Townships laying on the right and left thereof, has, I sincerely believe, materially contributed to retard the Settlement of those Lands.

4^o. To the Clergy and Crown Reserves. These have been and I am convinced continue to be an insurmountable obstacle to the Settlement of those lands. The difficulties, inconvenience and extra labours which they occasion to Settlers cannot be enumerated; suffice it to say, that Settlers cannot move or take a step towards cultivating and improving their lands but what they are in the way.

Mr. Alexander Rea, appeared before your Committee.

I was formerly a Merchant, but at present I am forming a Settlement in the Townships of Rawdon and Kildare. I explored last September the Township of Rawdon partially, and the ungranted part of Kildare. I explored about eleven miles square of these two Townships, lying north of Montreal; the quality of the land is fully Settlement worthy, and owing to local advantages I think it preferable to land on the South side of the River, though the soil is not quite so good. I am certain there is full one hundred thousand acres of good and cultivable land lying between the Seigniories of Daillabou and the Ottawa, in the rear of Valtrie and the adjoining Seigniories, and I have good reason to think that there is double that quantity. I have often travelled through the Townships on the South side of the River St. Lawrence, and I have some local knowledge of the situations and circumstances of many of them. The retention of the Crown and Clergy Reserves together with the large quantities of land obtained by Grants and purchased by different individuals on speculation, who have not and never had any intention of settling or improving the same, has injured the Settlement of the Country very materially.

Q. What numbers of British Emigrants have found refuge in an actual Settlement on the lands obtained from Government in this Province, since the last peace with France?

A. From one hundred and fifty to two hundred on the south and north side of the St. Lawrence, not including the Townships on the Grand or Ottawa River.

Q. What is the average time before the applicants obtain their Location Tickets, and are enabled to settle on their lands?

A. Were all due dispatch used by the Emigrant or his Agent, at those particular seasons of the year, when the sitting of the Council does not interfere with other public duties, the necessary papers could be obtained in three weeks, but otherwise it has often extended from 6 weeks to three months.

There was a Report made by the Council on the 1st December last, accompanied by a plan of Settlements, which promises to do away with the delay and obstacles which hitherto have existed in the Emigrants obtaining their Grants, and under the fostering care of His Excellency the Governor Earl Dalhousie, who has given it every attention, I have no doubt, as far as circumstances will permit, every thing will be done for obviating the difficulties under which they may be placed.

Q. Are there any persons concerned in the administration of Justice, who are Members of the Executive Council?

A. The Chief Justice of the Province is President of the Council, and two Judges are Members.

Q. How many days in the year are occupied by the sitting of the Courts of Justice?

A. One hundred and forty days, whereof twenty happen at that particular season of the year which is peculiarly distressing to the Emigrant.

Q. Is not the delay in granting the land a material inconvenience to the Emigrant?

A. Owing to this delay the unavoidable expense incurred, and the detriment sustained by loss of time in improving his land, is a great inconvenience particularly when the smallness of his means are taken into consideration.

Q. What is the usual Fee of Agency, when an Agent is employed by the Emigrant at Quebec?

A. From thirty-five to forty shillings for an associate grant of twelve hundred acres, when it exceeds this quantity there is then an allowance of five per cent. upon the amount of grants obtained.

Q. Would this Fee be exacted from an Emigrant, applying for two hundred acres or less?

A. Yes.

Q. What are the Fees the Emigrant is subjected to over and above this charge of Agency?

A. The Fee of the Clerk of the Council on presenting the Petition for one or more individuals, if of the same family, is fifteen shillings and sixpence; the Surveyor-General's Certificate of one or six lots being ungranted, two shillings and sixpence; the Certificate of the Provincial Secretary's Office, two shillings and sixpence; on obtaining the order in Council, a further fee of seven shillings and eight-pence to the Surveyor-General for the Location Ticket; all of which fees except the last, are lost to the Emigrant, if the prayer of his Petition is not granted.

Q. In the event of more than one individual joining in the same Petition, is the fee of fifteen shillings and sixpence charged on each name or not?

A. Although there should be a hundred names in the said Petition, the Fee of fifteen shillings and sixpence is exacted from every one, unless the parties stand in the relation of father and child, brother and sister, and uncle and nephew.

Q. Have you any knowledge of the instructions which may have been given to the Executive of this Province, respecting the granting of the Waste Lands therein?

A. The only knowledge which I have and can have is from public report, and from the perusal of a printed proclamation of Lord Dorchester, and also of the Extracts of the Minutes of the Council of 11th June, 1798.

Q. Whence did you obtain the Copy of the Minutes of the Council above alluded to?

A. I obtained it from Mr. James Fraser, at Montreal, who found it amongst the Papers of his deceased Son.

Q. Were any of your ancestors Loyalists, leaving the old British Colonies, now the United States, at the breaking out of the Revolution?

A. My Grandfather and my Father left New-York at the evacuation of that place by the British Forces in the year 1783, and they first went to Shelburne in Nova-Scotia, and came to this Country in 1796 and 1799.

Q. Did your Ancestors suffer any losses in consequence of attaching themselves to the Loyalists?

A. My Grandfather's Estate worth five thousand pounds, was confiscated and sold, for which he received from the British Commissioners an indemnity of six hundred pounds.

Q. Did your Grandfather receive any grants of land in this Province as a Loyalist?

A. He Petitioned the Governor in Council several times unsuccessfully, and I have now pending before His Excellency in Council a Petition to that effect. My Grandfather having been unsuccessful, my father did not petition the Governor.

Q. Was it not well known in 1792 and 1796, and is it not well known now, that His Majesty's Government should not grant more than twelve hundred acres to any individual, and that upon condition of actual Settlement?

A. I invariably understood and have known such to be the case, that all associated applicants or others were not to receive more than the quantity mentioned, with the exception of Loyalists, the heads of whose families were to receive twelve hundred acres, and their wives and children two hundred each.

Q. Was it not notorious from 1792 down to 1803, that these instructions were evaded by the Provincial Government, and by what manner were they so evaded?

A. Yes; the mode of evading His Majesty's instructions was generally this, a person coming forward with ten, twenty or forty associates was enabled to obtain a grant of one fourth, one half or the whole of a Township of forty-four thousand acres, making the allowance to each associate of twelve hundred acres, By engagement under bond betwixt the Associates and the Leader, he would obtain a Patent for the whole in the name as well of the Leader as of the Associates, whereupon a conveyance was made by each Associate to the Leader of one thousand acres out of twelve hundred.

Q. Was the evasion practised secretly or publicly?

A. No, it was quite a public thing.

Q. In the selection of the objects of this Bounty of the Provincial Government, was any reference had to the means or inclinations of the individuals to effect an actual settlement of those lands?

A. I have always understood there was, in as much as it was always stipulated, that a certain proportion of the Settlement Duty should be performed within the different periods of three, five and seven years.

Q. Of the different individuals to whom one fourth, one half or whole Townships have been granted, did any person actually settle thereon?

A. Yes; I think I could name eight or ten.

Q. Were there many amongst those grantees, who from their situation in life could not have been expected to settle personally on these Townships, or superintend the Settlement thereof?

A. Many of them could not.

Q. Are there not large tracts of land in the possession of many individuals who have not effected and are not likely to effect any settlement thereon, and who hold them till their value is increased by the exertions of individual settlers?

A. It is notorious that some of the first Townships on the south side of the River are held and the settlement thereof retarded, to the great injury of the actual Settler, by persons who obtain grants to the extent of one fourth, one half and a whole Township, I must likewise observe that several Townships on the banks of the Grand or Ottawa River, are held by persons on the same principle, to the great detriment of those persons already settled, and the extensive settlements that are now in a state of progress on the upper parts of the River.

Q. Is there not an unequal distribution of Lands in the Townships?

A. Certainly, very much so, to the great detriment of the principal part of the inhabitants.

Q. Is there a more equal distribution of the lands in the old Seigniories?

A. Very much so. The principle upon which the Seigniories are conceded tends to an equal distribution of lands.

Q. Is it not true that the European Settler has a prejudice against the Seigniorial tenure, and that the French Settler has a prejudice against Free and Common Socage?

A. I have invariably found it to be the case.

Q. Are there any Canadians settled in the Townships?

A. Yes, a few and very few.

Q. To what cause do you attribute the Canadians not settling in the Townships?

A. Principally to their Religious, Social and Local habits, to their prejudices in different degrees, to Free and Common Socage, and to the difference between their Religion, Language and habits and the Religion, Language and habits of the inhabitants of those Townships, and they and their ancestors having been in the habit of receiving land from the Seigniors, without the disbursement of Funds, on paying a moderate annual rent.

Q. Of the Emigrants who arrived at this Port in the years 1815, 1816, 1817, 1818 and 1819, did any of them find their way to the United States of America?

A. From ocular demonstration and information upon which I can rely, I am confident that during the years mentioned not less than three thousand have passed into the United States, and I believe that this number may be doubled. In the year 1819 I was travelling in the United States, in the western parts of Pennsylvania, New-York and Ohio, where I met them in companies from ten to twenty, all of whom came out by the way of Quebec.

Q. Is the surplus of the Agricultural part of the population of Lower-Canada considerable?

A. Yes, from the opportunities I have had of observing, I think it is very considerable.

Q. Is there any difficulty in effecting a Settlement in Seigniories out of this population?

A. In Seigniories where the land is good and the rent moderate, and facilities given in the opening of roads by the Seignior, which it is greatly his interest to do, there is no difficulty.

Q. You say you have explored the Townships in the rear of Lavaltrie, St. Sulpice, and the adjoining Seigniories, what internal communications, in your opinion will be required for the benefit of those Townships?

A. A general Road running through the Townships from the Daillebout Seignior to the head of the Long Sault on the Grand River in the Township of Grenville, as per the plan which is lying in the Civil Secretary's and Surveyor-General's Offices, will certainly be a grand object in settling those Townships, and also very advantageous for that part of the Country generally, besides

opening a direct communication between the City of Quebec, and the Grand or Ottawa River, and the Civil and Military Settlements on the same.

Q. Do you think that the road Statute as it at present stands, is as applicable to the Townships as to the Seigniories?

A. Not by any means, the plan on which they are laid out is so opposite that it cannot apply; in addition to this the Crown and Clergy Reserves and large grants are obstacles very much opposed to it, and for which a provision ought to be made in the Road Act.

Q. Do you think that the establishment of Register Offices would have a good effect in Settling the Townships?

A. Yes; I am certain that the Province in general would feel the benefit of them very much, but more especially the Townships.

P. E. Desbarats, Esquire, appeared before your Committee:

Q. Have you had any and what means of becoming acquainted with the manner of applying for and obtaining grants of Land in the Townships?

A. I became acquainted with the manner of applying for and obtaining grants of Lands in the Townships in the year 1796, through the late Honorable Hugh Finlay, who was then Chairman of the Board of the Land granting department, who advised me to Petition for a whole Township as a Leader, which I did, praying for twelve hundred acres of land for myself, and twelve hundred acres for each of thirty-nine Associates, in the Township of Bedford, in the District of Montreal.

Q. What is the import of the term "Leader" of a Township, and who are the persons known by the name of "Associates"?

A. I understand by the term Leader, that he is the person who is to make the necessary applications, and incur all the expenses previous to the obtaining of the Patent, and also to pay all fees that may become due on the issuing of the said Patent for a grant of land.

Q. In what proportions are the grants to the Leader and the Associates made in the Patent which is ultimately issued?

A. By the Royal Instructions which were made known in the year 1796, each Leader had a right to make an application and obtain for himself and thirty-nine associates twelve hundred acres of land each; but in consideration of the heavy expenses which the Leader was obliged to incur, previous to his obtaining the grant a bond was generally entered into between the Leader and the Associate, by which the latter bound himself to convey to the former one thousand acres out of his twelve hundred.

Q. Who paid the expenses of Survey, and the Patent Fees?

A. The Leader, as above mentioned.

Q. Who presented the Petition, attended it through its progress, and exerted himself to obtain a successful result?

A. The Leader also, or his Agent.

Q. Who paid the Agents for this trouble?

A. The Leader.

Q. Did the Leaders obtain any and what remuneration or reimbursements for the above services and expenses?

A. This is answered by a previous answer.

Q. Have you in your own possession any and what number of Instruments or Bonds of the description last mentioned, and were they or were they not in the usual or accustomed form?

A. I have some in my possession executed in my own favour, they consist in a deed of lease and release in the English form, and of a transfer in the Customary form of this Country.

Q. Were these Instruments executed secretly and covertly, or was not this mode of obtaining a larger grant than twelve hundred acres, as limited by His Majesty's Instructions, notorious and public?

A. It was public and well known throughout the Province.

Q. By whom were these forms prepared, as it was generally understood at the time, and as you believe?

A. To my certain knowledge various forms of those deeds were drafted by His Majesty's then Attorney General.

Q. Are you Law Printer to His Majesty?

A. Yes, I have been so since the year 1798.

Q. Have you any and what knowledge that these forms were printed for the use of the Leaders of Townships, and by whom?

A. Yes, I have, many were printed, and I believe the greatest part, at my Printing Office.

Q. Who were the Agents employed by the Leaders of Townships at that time?

A. The principal Agents were Mr. Phillips and Mr. Vondenvelden.

Q. Did they or either of them hold any office or offices of trust or emolument under the Government?

A. Mr. Phillips was Clerk of the House of Assembly, and Inspector of Flour at the Port of Quebec; Mr. Vondenvelden was Assistant Surveyor-General of the Province.

Q. What was the description of persons whose names were used as Associates, were they persons likely to make an actual Settlement or otherwise?

A. They were generally Canadian Farmers, very few of them likely to become Settlers in the Townships.

Q. How were Signatures obtained to the Petitions and what were the motives and considerations held out to the Associates generally?

A. The Signatures were generally obtained upon a promise to the Associates that they should incur no expense, that they would have two hundred acres to themselves free; and if they wished to transfer these two hundred acres, they would receive from one to two guineas for these two hundred acres.

Q. Have you any knowledge of a less quantity than one thousand acres being stipulated for by the Leader?

A. No, I have no certain knowledge, but I have understood that in some cases less than one thousand acres was stipulated for by the Leader.

Q. Have you any knowledge of the Associates assigning or agreeing to assign their interest in the two hundred acres, previous to the issuing of the Patent, and did this occur frequently?

A. Yes, I believe it has been the case in some instances.

Q. What was the average price of the waste lands of the Crown at that time?

A. It depended much upon the situation of the land; I believe it was from one to five shillings per acre.

Q. What is the average price now?

A. It is variable for the same reasons stated in the above answer; I believe they sell from one shilling to forty.

Q. What quantity of waste lands of the Crown have you in your possession?

A. About six thousand acres, having sold five thousand five hundred acres to the Honourable Mr. Justice Pike.

Q. Have you caused to be cleared and inclosed any and what quantity of land, and at what price and where?

A. Yes, about two hundred acres on various lots in the Township of Frampton; the average price for clearing has been from £2.-10s. to £3. per acre. This sort of clearing leaves the stumps on the land, but it prepares it for feeding, and most of the whole is inclosed.

Mr. William Hall of the City of Quebec, appeared before your Committee, and gave the following answers to the questions put to him:—

Q. Are you proprietor of any and what quantity of land on the south shore of the River Saint Lawrence, and in any and what Township?

A. In the Township of Broughton I am proprietor of twenty-two thousand acres, in the Township of Ely, nine hundred and fifty acres, in Stoke eight hundred acres, in Godmanchester seven hundred acres.

Q. Have you had occasion to travel through any and what Townships?

A. I have travelled through Broughton and Godmanchester only.

Q. What is the number of Settlers in Broughton?

A. Ten in number. There is a great number of Settlers in Godmanchester, but I do not know the number. My lands in that Township I believe to be all settled without my permission.

Q. Did you derive the above lands by grants from the Crown or by purchase from individuals?

A. With respect to the Lands in Godmanchester, I purchased them from one Cunningham who had a Location Ticket, and the Patent for seven hundred acres came out in my name. With respect to those in Broughton, my uncle the late Henry Luncken and myself were Leaders for that Township, and in that quality I got only twelve hundred acres from Government, and my uncle and I purchased the remainder from the Associates. With respect to those in Ely, I purchased them from Amos Lay. Those of Stoke, I purchased from Ward Bailey the Father.

Q. Of what description of persons were the Associates of whom you bought the Lands in Broughton?

A. They were Canadian Farmers of the Seigniories of Sainte Marie and Saint Joseph near the said Township.

Q. By whom was the Petition presented to the Governor and the Survey obtained for the said Lands?

A. By my Uncle and myself.

Q. Who paid for the Survey?

A. Government paid for the Surveying of one half of the lateral lines and we the other, a most unnecessary expense, because those lines might be drawn just as well at the same time the division lines are drawn, which said division lines were paid for by us.

Q. Who paid the Patent Fees, as well for the lands granted to you as to your associates?

A. My uncle and myself.

Q. Was any part of them to be refunded to you by the associates?

A. No, no part.

Q. Had each associate the same quantity of Land as yourself?

A. The same quantity was granted to the Associates by the patent as to ourselves.

Q. What is the amount of Patent Fees?

A. Three pounds six shillings and eight pence for one thousand acres.

Q. What are the expenses of Survey?

A. About three hundred and thirty pounds.

Q. What is the price you paid for the lands in the other Townships besides Broughton?

A. One hundred and twenty pounds for the seven hundred acres in Godmanchester, one hundred pounds for the nine hundred and fifty acres in Ely, and fifty pounds for eight hundred acres in Stoke.

Q. What was your inducement to pay the expenses of Survey and the Patent Fees of your Associates as well as yourself, without any right to be reimbursed for the same?

A. The object was this; It was allowed by Government that one man should be as a Leader in a Township, because it was considered that every Associate was not able to pay the Patent Fees, and Government considered it a shorter way, and to have to do with less people, to have it done by one man, and to make as good a bargain with his Associates to reimburse him in land for the expenses that he had been at in Surveying and paying the Patent Fees.

Q. What was the usual bargain between the Leaders and Associates?

A. The usual bargain was that the Associates returned back to the Leaders one thousand acres, and kept only two hundred for themselves, but my Associates refused to accept so much as two hundred acres, saying that their farm would be too large, and we agreed for one hundred acres.

Q. You stated that the views of Government were consistent with the above reasons, what makes you believe so?

A. Because notoriously such was the practice of the times, and because many, and I believe all the Council were doing the same, with the exception of the Lord Bishop of Quebec.

Q. Had you any conversation with any of the Council respecting the granting of lands on that system?

A. I had no conversation myself; my uncle had frequent conversations with one of the Council, who could not fail to explain his views to him.

Q. Were there not at the same period a number of Citizens from the Eastern States who had remained in America after the Peace of 1783, who applied for and obtained Townships or part of Townships as Leaders?

A. I know of nine of that description in Mr. Bouchette's List, but there are many others whom I cannot particularize.

Q. What is the general character and soil of that tract of Coun-

try that lies on the south side of the Saint Lawrence, between the rear of the Seigniorial grants, the State of Maine and the Province Line.

A. I have been through this part of the Country in several directions to the Province Line, and also to the State of Maine. The Soil is generally good in all directions, the Country is not mountainous, but in general with gentle swell, and highly favourable to Agriculture and Grazing.

Q. Has that Country, considering its local situation and advantages, made as rapid advances as it might have done?

A. No.

Q. What in your estimation are the causes that retarded its advancement?

A. So heavy blocks of land falling into the hands of individuals, the Associates not willing to come forward and open roads, and the Leaders not being able to open them, and perhaps their not having seen their lands up to this day, and roads not having been made, has been the principal reason that the Country has not been more settled.

Q. Do you think that the unequal distribution of lands which the foregoing system has caused, did not also principally contribute to retard the Settlement thereof?

A. If the large quantity of lands had fallen into the hands of persons having the inclination and the means to go themselves and make improvements upon them, proportionate to the extent of ground which they received, I am inclined to think that this unequal distribution of land would rather have advanced than retarded the Settlement thereof.

Q. Have any and if so, how many of the Leaders of Townships or parts of Townships made improvements proportionate to the extent of ground which they received from the Government?

A. I know of nine, but there may be many more, which I cannot state.

Q. Are there any and what Townships on which there have been no improvements made by the Leaders?

A. There are many, but I cannot state the number.

Wm. Bowron, Esquire, residing at Foucault, Caldwell's Manor, appeared before your Committee, and stated as followeth:

I am a native of Great Britain, born and educated in the village of Catherstone, near Richmond, county of Yorkshire, from whence I emigrated with my parents in the year 1793 to America, and Settled at Champlain, Lat. 45, on the borders of Lake Champlain, where I remained until the commencement of the late War with the United States, when I came to Canada and have resided since at Montréal and Caldwell's Manor, the latter is my pre-

sent place of residence ; I have been sixteen years engaged in clearing and improving wild lands, and in the Lumber Trade ; during this period of time, I had an opportunity of seeing the commencement and progress of many English families who emigrated to that part of the Country at the same time, and have had an opportunity of seeing and experiencing the many difficulties they have had to contend with in the commencement of new Settlements, and which might be much ameliorated by the aid of Government.

Q. Have you passed through any and what Townships, and what is the extent of cleared lands in the same, and the population thereof respectively, and are there any and what Townships on the south shore in which there are no clearings or settlements ?

A. I have passed through the Townships of Sherrington, Hemmingford, Hinchinbrook, Potton, Sutton and Brome, but do not know the extent of cleared lands or population, nor am I acquainted with any Township in which there is no Settlement.

Q. What is the state of the roads in the said Townships, and are there any and what causes which serve to advance or retard the improvement of the Internal Communications of the said Townships ?

A. Generally speaking the roads are bad, owing I conceive to the number of Grantees non-resident, and the interspersion of Crown and Clergy lands, and the difficulties of having roads laid out and homologated according to law, the inhabitants having the whole expense together with Fees of Office, which to a population where Barter is the general circulating medium, are scarcely possible to be collected, or from the poverty of many of the Settlers scarcely to be borne, this I conceive can only be obviated by affixing the lands of non-residents, or obliging them to bear a portion of the expense and labour in making and keeping roads in repair.

Q. Are there any and what number of persons in the said Townships who have settled upon and improved waste lands of the Crown in the same, which said lands have since the said Settlement been granted by Patent under the Great Seal of the Province to other individuals, and what is the number of the said Settlers, and to what business, profession or occupation were they educated, and what generally were the places of residence, profession or occupations of the Grantees of the Crown, and have these latter made or attempted to make any Settlement or Settlements upon the same ?

A. There are in the Township of Hinchinbrook I believe from eleven to twelve thousand acres of land granted to persons non-re-

fidant, many of whom are now residing in the United States, some dead and some who left the Country soon after the lands were granted, and have never since been heard of, there are also some few families on those lands without any titles. The Township of Hemingford has been chiefly granted and a large portion of it settled, but the Settlers from poverty and want of Internal Communications, have most of them abandoned their Farms and sold them for a trifling consideration to land Speculators, which are now held at so high a rate by a few individuals, that it is unlikely that part of the Country will be settled soon.

Q. What are the causes which in your estimation have contributed to advance or retard the Settlement of the said Townships, and the propriety of the same?

A. The principal inducement to persons to settle in the Townships would be the opening of Roads, establishing Schools and Courts for the administration of justice, particularly the recovery of small debts, and for punishing petty crimes and misdemeanors, which would rid the Townships very much of bad principled people, and drive the lurking vagrants from their hiding places, particularly in those Townships bordering on the Lines. I should recommend as one of the best methods to facilitate the Settlement of the Townships, to have an Agent or Agents appointed who resided on the spot, whose duty it should be to locate the Settlers and to attend to the improvement of the Settlements, who shall make an annual report to Government of the quantity of land cleared, increase of population, state of the roads, and afford all other information in his power for the object desired, in consideration of which he shall be allowed ten acres per centum on such quantity of land as he shall locate and settle. That the Settler shall not have a Deed of Grant until he shall have built a house and cleared and cultivated twelve acres of land on each hundred acres granted. The advantage to Government might be an inducement to have such an Agent appointed, who would see that the conditions of all grants were duly performed, and would grant Certificates to that effect previous to the Settlers obtaining deeds; the preventing improper persons settling those lands. The advantage to the Settler would be very great, as he would then have a person at hand to locate him, and to whom he might apply in all cases for information relative to Roads, Schools, &c.

Mr. James McDouall, of the City of Quebec, Merchant, appeared before your Committee, and gave the following information:—

Q. What distance have you been in the rear of the actual Settlements in the rear of the Fief Masquinongé?

A. I have been about forty miles in the interior of the Country back of Lake St. Peter.

Q. At what distance from Lake St. Peter do the waste lands of the Crown commence?

A. The Waste Lands of the Crown commence somewhat above twenty miles back of the Seigniori De Lanaudière.

Q. To what distance from Lake St. Peter do the actual Settlements extend?

A. The actual Settlements from Lake St. Peter extend better than twelve miles.

Q. What is the quality of the ground between the actual Settlements and the Waste Lands of the Crown, and what is the quality of the Waste Lands of the Crown in that direction, and the extent of cultivable ground?

A. The quality of the ground between the actual Settlements and the waste lands is fit for farming. There is a good deal of broken land, gullies and ravines and rocky ridges. The quality of Timber is Maple, Beech, Birch, Elms and Pines. Around Lake Masquinongé there is a good deal of marshy Ground and wild Hay. The quality of the waste Lands of the Crown in this direction improve and are better adapted for culture. As far as I have been in that direction with the exception of a Red Pine plain the soil is barren but the Timber is valuable. The quality of the soil in this Pine plain is of a light soil, but preferred by some from the warmth and lightness of the soil to any other. The Timber on the soil is also highly valuable for Settlers for bringing it to Market.

Q. What in your estimation has prevented the Settlements in the Seigniori of Masquinongé from extending themselves back to Lake Masquinongé?

A. I understood from Mr. De Lanaudière, in his life time the Seignior of Masquinongé, that he did not wish to make any grants to applicant Settlers, assigning amongst other reasons that the land would become more valuable in process of time, and that he preferred to sell them at 5s. per acre, and reserve to himself a nominal rent, carrying with it ordinary Seigniorial rights, such as *Lods et Ventes, Cens et Rentes*, &c. I applied for some lands for some of my workmen, and after great difficulty obtained them; I also got some for myself.

Q. What extent of ground, and upon what conditions did you obtain these lands for yourself and for your workmen?

A. The terms of those obtained for the workmen I do not recollect. They got about one hundred acres each. I think it was agreed that they should pay a dollar an acre, and one shilling and sixpence a year on the whole. I obtained for myself about three thousand acres, for which I paid him in cash three shillings and

ninepence per acre, and one shilling and sixpence yearly for the whole tract as an acknowledgment of his quality of Seignior.

Q. What is the extent of Lake Masquinongé?

A. It is about four miles in length, and about a mile and a half in breadth.

Q. What is the number and size of the Rivers falling into the St. Lawrence, beginning at the St. Maurice and ending at the Ottawa, how many of them are to the best of your knowledge navigable, and to what distance and for what vessels, what is the distance from the sources of these Rivers, their direction and their length, and what is the exposure and climate of the Country watered by them?

A. There are two small rivers at about eighteen miles from the St. Maurice, both called the Machiche Rivers, they are not navigable, but sufficient to drive Mills. Lumber has been floated stown from the largest. River du Loup is about nine miles further up, it is of a greater magnitude than the two preceding, and only navigable for a few miles for Boats, and early in the Spring for River Crafts. River Masquinongé is six miles further up, and of the same size, it is also navigable for about eight miles for Boats and Canoes. Twelve miles above this is a very small river, but sufficient to drive Mills a part of the season. River Berthier is about four miles further than this last and not navigable for any distance, but there is a considerable body of water in it. Then follows River L'Assomption, which is navigable at certain periods for Crafts to the Village of L'Assomption, how much further I do not know. The course of all these Rivers is from the northward to the southward and south-west. I am not acquainted with their different sources. Some of those Rivers, as I have been informed by Hunters, Canadians and Indians, such as the Rivers Masquinongé and L'Assomption take their sources from large Lakes at the distance of about two hundred miles and upwards from the point in which they empty themselves in the River Saint Lawrence, and they run through a great deal of rough and mountainous country.

Q. What in your estimation is the distance from the Saint Lawrence of the height of land which divide the waters which empty themselves into the Hudson's Bay from those which empty themselves into the St. Lawrence?

A. About two hundred miles in a direct line. In following the Rivers it must double that distance.

Q. What is the exposure and what are the advantages or disadvantages of that exposure with reference to climate of the country watered by the last mentioned rivers, and what is the comparative severity in such portions of that country which you had occasion to explore, in comparison to the climate of Quebec? A.

A. The exposure of the Country which I had occasion to explore was a southern one. The climate more hospitable and the soil more productive than those of Quebec and its neighbourhood. I have reason to suppose that vegetation commences earlier in the tract of Country which I had occasion to explore than on the south shore of the Lake St. Peter, probably from three days to a week.

Q. Have you any knowledge from general report or otherwise of the manner in which lands obtained by a Leader of a Township and his Associates were usually distributed amongst them?

A. I have understood that a Leader of a Township procuring forty Associates, was to give two hundred acres to each, and that the remainder of the Township he got to himself. I likewise understood that this Leader paid the expenses of the Patent and Survey, &c. and that frequently the Associates redeemed their two hundred acres to the Leader.

Mr. Webb Robinson appeared before your Committee.

Q. Have you had any and what means of becoming acquainted with the manner of applying for and obtaining grants of land in the Townships?

A. Yes, I applied in the year 1815 for lands for a person as Agent.

Q. What is the import of the term Leader of a Township, and who are the persons known by the name of Associates?

A. The Leader of a Township is the person who applies for the grant of lands, and the Associates are the persons who lend their names to the Leader, to enable him to obtain the same.

Q. In what proportions are the grants to the Leader and the Associates made in the Patent which is ultimately issued?

A. In about 1200 acres to each of them.

Q. Who paid the expenses of Survey and the Patent Fees?

A. The Leader.

Q. Who presented the Petition, attended it through its progress, and exerted himself to obtain a successful result?

A. The Leaders or their Agents.

Q. Who paid the Agents for this trouble?

A. The Leader.

Q. Did the Leaders obtain any and what remuneration or reimbursement for the above services and expenses?

A. The Associates only got a part of the Grant, which generally consisted of a Lot of two hundred acres, and sometimes they got nothing.

Q. What was the description of persons whose names were used as associates, were they likely to make actual Settlements or otherwise?

A. They were not likely from their situation in life, being generally poor people, to make any actual Settlements. There are however some few exceptions. They generally returned or re-conveyed their share to the Leader.

Q. What was the consideration ?

A. A mere nothing.

Q. How were signatures obtained to the Petitions, and what were the motives and considerations held out to the Associates generally ?

A. The Leaders generally promised to the Associates two hundred acres, sometimes less, sometimes nothing at all.

Q. Have you any knowledge of a less quantity than one thousand acres being stipulated for the Leader ?

A. I have no knowledge about it.

Q. Have you any knowledge of the Associates assigning or agreeing to assign their interest in the two hundred acres previous to the issuing of the Patent, and did this occur frequently ?

A. Yes, I have knowledge of a Leader applying for lands, and some of the Associates agreeing to give up their whole share.

Q. What was the average price of the waste lands of the Crown at that time ?

A. I cannot tell the exact value of lands at that time, but I sold myself some lands in the year 1815, situated on the River St. Francis, at ten shillings the acre, but waste lands where there are no roads, are not saleable at all. They were sold at Sheriff's Sales in Lots of two hundred acres at three or four pounds a Lot. Some could not be sold at all.

Q. What quantity of waste lands of the Crown have you in your possession ?

A. I cannot exactly tell the number of acres, but I believe eight or nine thousand acres.

Q. Have you caused to be cleared and inclosed any and what quantity of land, and at what price and where ?

A. No.

Q. What is the quantity of Stock in your possession, and have you erected any and what buildings upon the said land ?

A. I have no Stock, and I have not erected any buildings.

Q. Have you any knowledge that lands in the actual possession and occupation of different individuals and improved by them, have been subsequently granted to other individuals, and to any and what extent ?

A. I know personally of but one instance. A person living on an Island in the River St. Francis, a number of years, and after having cleared and settled almost the whole of it, it was granted to another individual, who, I understood, wanted to take it from him ; this might have occurred in many other instances, but without my knowledge, my residence being in Quebec ?

Q. Are there not many persons in this Province whose pursuits are altogether foreign from Agriculture, and who possess like yourself large tracts of waste lands of the Crown ?

A. Yes, there are numbers of individuals like myself, who hold large tracts of land and whose pursuits are foreign from agriculture.

Q. Look at the general Statement of lands granted in Free and Common Soccage in the Province of Lower-Canada, as contained in Mr. Bonchette's Work, and tell the Committee how many were Leaders of Townships ?

A. There are seventy-two names, most of whom were Leaders of Townships, the other names contained in this List, I do not know.

Q. What is the total amount of lands granted to these individuals?

A. About one million and thirty thousand acres.

Q. Did the Officers and Privates of the Canadian Militia mentioned in that List, settle upon their Lands, or did they sell their rights to individuals who bought them upon speculation, without any view of settling upon them themselves?

A. Generally speaking, the Privates sold their Lots to people of the last mentioned description.

Q. Have you any and what means of knowing at what price these privates sold their Lots of Lands?

A. My father purchased up a large number of these claims, for which he paid various prices, from two pounds the Lot to eight or ten pounds for individual Lots. I cannot say what was the average price, they were dearer then than they are now.

Q. Has the value of waste lands in the Townships where there are no roads, increased or diminished since your father made these purchases?

A. I do not think that they have increased.

Q. Do Lands of this description, sold at Sheriff Sale, after the usual advertisements in the Quebec Gazette of four months, sell now at a higher price, than they would have done at the above mentioned period?

A. Yes, I think they do.

A. Do you know or have you reason to believe that there are many persons resident in this Province, or elsewhere, possessing tracts of land from twelve hundred acres upwards to forty-eight thousand acres, who have laid out no money upon them, and have not performed the Settlement duties?

A. I know of many persons possessing large tracts of lands, the exact extent of which I cannot state, who have not performed the Settlement duty.

Q. Do you think that any person within this Province, disposed to become an actual Settler, would accept fifty or one hundred acres of the ungranted and waste lands of the Crown, on condition of effecting an actual Settlement thereon?

A. There are many persons of this description, but they are Emigrants from Great Britain and Ireland.

Q. Would the natives of this Continent of British extraction accept so small a grant upon the condition of actual Settlement?

A. I do not think they would.

Q. Have you known any instance of there being tendered to an actual Settler by the Provincial Government a less quantity than two hundred acres, since the last peace with France, and the consequent influx of Emigrants into these Provinces from Great Britain and Ireland?

A. I do not know any thing about it.

Q. Did you ever hear of any grant of any quantity less than two hundred acres to an actual Settler previous to that period?

A. No.

Q. Do the large tracts of land held by yourself and others in the Townships, and who do not reside there and improve and cultivate the same, yield any and what revenues to the proprietor thereof?

A. There are five or six to my knowledge, there may be many more, but I do not know them, having not been often in the Townships.

Q. What in your estimation has retarded the Settlement of these Lands?

A. The want of Roads, and the Clergy and Crown Reserves intersecting the Settlements.

Q. Do you apprehend that the absence of the large landed proprietors and their neglecting their Settlement duties has mainly contributed to retard the Settlement of these Lands?

A. I do not think that they have been mainly the cause, but partly, the chief obstacle is the want of roads.

(B.)

Whereas many of our loyal subjects, inhabitants of the Colonies and Provinces now the United States of America, are desirous of maintaining their allegiance to us, and of living in our dominions, and for this purpose are disposed to take up and improve lands in our Province of Quebec: and we being desirous to encourage our said loyal subjects in such their intentions, and to testify our approbation of their loyalty to us, and obedience to our Government, by allotting lands for them in our said Province: and whereas we are also desirous of testifying our approbation of the bravery and loyalty of our Forces serving in our said Province, and who may have been reduced there, by allowing a certain quantity of land to such of the non-commissioned officers and private men of our said Forces, who are inclined to become settlers therein; it is our will and pleasure, that immediately after you shall receive these our Instructions, you do direct our Surveyor General of Lands for our said Province of Quebec to admeasure and lay out such quantity of land as you, with the advice of our Council, shall deem necessary and convenient for the settlement of our said loyal subjects, and the non-commissioned officers and private men of our Forces which may have been reduced in our said Province, who shall be desirous of becoming settlers therein; such lands to be divided into distinct Seigneuries or Fiefs, to extend from two to four leagues in front, and from three to five leagues in depth, if situated upon a navigable river, otherwise to be run square, or in such shape and such quantities as shall be convenient and practicable, and in each Seigneurie a Glebe to be reserved and laid out in the most convenient spot, to contain not less than three hundred acres; the property of which Seigneuries or Fiefs shall be and remain vested in us, our heirs and suc-

effors; and you shall allot such parts of the same as shall be applied for by any of our said loyal subjects, non-commissioned officers and private men of our Forces reduced as aforesaid, in the following proportions, that is to say:—

To every Master of a Family, one hundred acres, and fifty acres for each person of which his family should consist.

To every single Man, fifty acres.

To every non-commissioned Officer of our Forces reduced in Quebec, two hundred acres.

To every Private Man reduced as aforesaid, one hundred acres; and for every person in their Families, fifty acres.

The said lands to be held under us, our Heirs and Successors, Seigneurs of the Seigneurie or Fief in which the same shall be situated, upon the same terms, acknowledgments and services, as lands are held in our said Province under the respective Seigneurs holding and possessing Seigneuries or Fiefs therein, and reserving to us, our Heirs and Successors, from and after the expiration of ten years from the admission of the respective tenants, a quit rent of one halpenny per acre.

(C.)

Extract of a Dispatch from His Grace the Duke of Portland, to His Excellency Sir Robert Shore Milnes, dated Whitehall, 6th June, 1801.

“ I have fully considered the calculation, contained in No. 44, of the value of a Township of Waste Land, in order to form a judgment of the proportion which it might be proper to grant to those Members of the Executive Council who have given so much time and attention to the settlement of the Land Business.

I am in consequence to signify to you His Majesty's pleasure that as a proof of the just sense he entertains of the ability and integrity with which this complicated business has been arranged by them, a sole Grant should be made to each of the six members whose attendance has been constant, of one quarter of a Township without any associates, the value of which as appears by your Statement, will amount, after deducting the expenses of surveying, dividing &c. to something more than £600 to each Executive Councillor.”

A true Extract,

Certified,

J. READY, Secretary.

Copy of the Royal Instructions relative to the granting of the Waste Lands of the Crown, which are entered on the Minutes of the Executive Council, and were published in a Proclamation issued by His Excellency Lieutenant Governor Clarke on the 7th day of February, 1792.

First.—That the Crown Lands to be granted be parcel of a Township. If an Inland Township, of ten miles square, and if a Township on navigable waters, of nine miles in front, and twelve miles in depth, to be run out and marked by His Majesty's Surveyor or Deputy Surveyor General, or under his sanction and authority.

Second.—That only such part of the Township be granted as shall remain, after a reservation of one seventh part thereof for the support of a Protestant Clergy, and one other seventh part thereof for the future disposition of the Crown.

Third.—That no Farm Lot shall be granted to any one person which shall contain more than two hundred acres; yet the Governor, Lieutenant Governor, or person administering the Government, is allowed and permitted to grant to any person or persons such further quantity of land as they may desire, not exceeding one thousand acres over and above what may have been before granted to them.

Fourth.—That every Petitioner for lands make it appear he or she is in a condition to cultivate and improve the same, and shall besides taking the usual oaths, subscribe a declaration (before proper persons to be for that purpose appointed) of the tenor of the words following, vizt: "I A. B. do promise and declare that I will maintain and defend to the utmost of my power the authority of the King in his Parliament as the supreme Legislature of this Province."

Fifth.—That applications for grants be made by Petition to the Governor, Lieutenant Governor, or Person administering the Government for the time being, and where it is advisable to grant the Prayer thereof, a Warrant shall issue to the proper officer for a survey thereof, returnable within six months, with a Plot annexed, and be followed with a Patent granting the same, if desired, in Free and Common Soccage, upon the terms and conditions in the Royal Instructions expressed and herein after suggested.

Sixth.—That all Grants reserve to the Crown all Coals, commonly called Sea Coals, and Mines of Gold, Silver, Copper, Tin, Iron and Lead; and each Patent contain a Clause for the reservation of timber for the Royal Navy, of the Tenor following:

"And provided also, that no part of the Tract or Parcel of Land hereby granted to the said _____ and his Heirs, be within any reservation heretofore made and marked for us, our Heirs and Successors by our Surveyor General of Woods, or

" his lawful Deputy; in which case, this our Grant for such
 " part of the Land hereby given and granted to the said ———
 " and his Heirs for ever as aforesaid, and which shall upon a Sur-
 " vey thereof being made, be found within any such reservation,
 " shall be null and void, any thing herein contained to the
 " contrary notwithstanding."

Seventh.—That the two sevenths reserved for the Crown's fu-
 ture disposition and the support of a Protestant Clergy, be not se-
 vered tracts, each of one seventh part of the Township, but such
 Lots or Farms therein as in the Surveyor General's Return of
 Survey of the Township shall be described or set apart for these
 purposes, between the other Farms of which the said Township
 shall consist, to the intent that the Lands so to be reserved may be
 nearly of the like value with an equal quantity of the other parts
 to be granted out as aforementioned.

Eighth. That the respective Patentees are to take the Estates
 granted to them severally, free of Quit Rent and of any other ex-
 penses than such Fees as may be allowed to be demanded and re-
 ceived by the different Officers concerned in passing the Patent
 and recording the same, to be stated in a Table authorized and
 established by the Government, and publicly fixed up in the se-
 veral Offices of the Clerk of the Council, of the Surveyor Gene-
 ral, and of the Secretary of the Province.

Ninth.—That every Patent be entered upon Record within six
 months from the Date thereof, in the Secretary's or Register's
 Offices, and a Docket thereof in the Auditor's Office.

Tenth.—Whenever it shall be thought advisable to grant any
 given quantity to any person of one thousand acres or under, and
 the same cannot be found by reason of the said reservations and
 prior Grants within the Township in the Petition expressed, the
 same, or what shall be requisite to make up to such person the
 quantity advised, shall be located to him, in some other Town-
 ship upon a new Petition for that purpose to be preferred.

Certified,

HERMAN W. RYLAND.

Copy,
 No. 14.

DOWNING STREET,
 31st December, 1808.

SIR,

Sir Robert Shore Milnes, Bart. having served His Majesty as
 His Lieutenant Governor of the Province of Lower-Canada, to
 His Majesty's entire satisfaction, and to the benefit of the Province :
 and His Majesty having been graciously pleased to signify His Roy-
 al pleasure, that a lasting mark of His favour should be conferred
 upon him in reward of his useful services, I am commanded to

signify to you His Majesty's commands that a Grant of Land should be effectually made to him in the said Province on the most favourable terms, equal in quantity to a Township, and in such Districts as have been already surveyed and subdivided, and without Associates.

I am &c.

(Signed) CASTLEREAGH.

Sir J. H. CRAIG, K. B.

&c. &c. &c.

Certified a true Copy,
J. READY, Secty.

Copy of the Table of Fees established by order of the Governor in Council, on the 4th December 1797, to be taken upon Grants of the Waste Lands of the Crown.

	Per Thousand Acres.
The Governor, - - - - -	£20 10 0
Attorney General - - - - -	0 10 0
Surveyor General, - - - - -	0 15 0
Secretary of the Province - - - - -	0 10 0
Clerk of the Council, - - - - -	0 10 0
Auditor, - - - - -	0 6 8
Register, - - - - -	0 5 0
	£3 6 8 Cy.

Certified,

H. W. RYLAND.

(D.)

Order of Reference to a Committee of the whole Council respecting the Townships.

Extract from the Minutes of Council, of the 11th June, 1798.

His Excellency reminded the Board of what he had mentioned on the 17th April 1797, respecting the Waste Lands, to wit :

" That, on his coming to the administration of the Government of this Province, he found that an alteration in the terms of disposing of the Waste Lands of the Crown was in contemplation by His Majesty's Ministers."

The intent of the alteration then in contemplation was, to raise, by the disposal of the Waste Lands in future, (excepting in those cases where the faith of Government might be already pledged to the Applicants,) a Fund to be applied towards defraying the expenses of the Provincial Government.

His Excellency laid before the Board an Instruction which he had since received under His Majesty's Royal Sign Manual, which, being read, was ordered to be entered, viz :—

GEORGE R.

Instruction to our trusty and well beloved ROBERT L. S. PRESCOTT, Esquire, Lieutenant General of our Forces, Captain General and Governor in Chief of our Province of Lower-Canada, in America, or in his absence to the Lieutenant-Governor or Commander in Chief of our said Province, for the time being. Given at our Court at St. James, the 15th day of August 1797, in the thirty-seventh year of our reign :

" Whereas, by our General Instructions to our Captain General and Governor Commanding in Chief in and over our Province of Lower-Canada, bearing date at St. James's the 16th day of September 1791, it is declared amongst other things, to be our will and pleasure, that the Townships therein mentioned, and the respective allotments within the same, together with the lands to be reserved as therein aforesaid, shall be run and laid out by our Surveyor General of lands, for the said Province, or some skilful person authorized by him for that purpose, which Surveys, together with the warrants and grants for the respective allotments, shall be made out for, and delivered to the several Grantees free of any expense or fees whatsoever, other than such as may be payable to the different officers, according to the table of fees already established, upon grants of land made in the said Province. Now, OUR WILL AND PLEASURE IS, that the said Townships therein mentioned, and the respective allotments within the same, together with the land to be reserved, as therein aforesaid, shall be run and laid out by our Surveyor General of lands for the said Province, or some skilful person authorized by him for that purpose, which Surveys, together with the warrants and grants for the respective allotments shall be made out for, and delivered to the several Grantees, on payment of such fees as shall from time to time be established by us, under our Signet and Sign Manual, or by our order in that behalf, signified by one of our principal Secretaries of State."

G. R.

And His Excellency informed the Board that the directions he had received from His Majesty's Secretary of State, in conformity to the above instructions, were :—

" 1st That in those cases where the faith of Government has been pledged to the applicants, (according to the Report of the Committee of the whole Council, of the 24th May, 1797.) for specific quantities of land, the grants thereof should be passed on the same fees that have been paid upon those grants that have already passed the Seal.

" 2d. That, although the faith of Government is not considered to have been specially pledged in the cases where persons petitioned for Townships on behalf of themselves and their associates, yet, inasmuch as some of those associated applicants have fully evinced the sincerity of their intentions of carrying the Settlement of the lands they so petitioned for, into effect, and have, upon the faith of the encouragement heretofore given them by His Majesty's Government in Canada, embarked their labour and property in Surveying and allotting the Townships they so petitioned for, and in making effectual Settlements therein, it is His Majesty's pleasure, that a preference should be shewn to persons of this Class, " by making them grants (upon the old Fees) to the full extent " mentioned in His Majesty's Instructions, viz: *twelve hundred acres to each Associated Grantee.*" But this is not to extend to the granting of the *whole Township*, except in those cases where the number of the associated applicants who are *actually settled thereon*, shall be sufficient at the rate of *twelve hundred acres each*, to comprehend the whole of the grantable lands in such Township — And in cases where the number so actually settled in any Township, shall not be sufficient, allowing at the rate of twelve hundred acres each, to comprehend the whole of such grantable lands in such Township, the remaining part thereof, if granted to the associated applicants, " must be granted on condition of immediate Settlement, and its being subject to the additional fees for the Public Service." It is also His Majesty's pleasure, that such of the Settlers, as may happen to be seated on lots reserved for the support of a Protestant Clergy, or for the future disposition of the Crown, should hold the same, upon the same terms and conditions as shall hereafter be granted to other cultivators of reserved lots of a similar quality.

3d. That such of the applicants as have been at the expense of Surveying the Townships they have petitioned for, and laying the same out into Lots, preparatory to the Settlement, but have not proceeded effectually to the actual Settlement thereof, should have grants (upon the old Fees,) for the *one half* of the Townships they so petitioned for, in the same quantities (to wit 1200 acres) to each of the associated Grantees, as in the former case, on condition of the immediate settlement thereof; but this is not allowed to be extended, in *any* of the cases falling under this description, to more *than one half* of the Township; so that if in any one of these cases it should be thought proper, in the wisdom of the Council, (on account of the intended Settlers being actually waiting to go on,) to advise the Granting of the *whole Township* to the associated applicants, the *latter half* thereof must of course be subject to the additional Fees for the Public Service.

" 4th. Those of the applicants who have only put themselves to

the trouble and expense of *soliciting and exploring* the Townships they desired, are not considered to have done much towards evincing any serious intention with respect to carrying the Settlement thereof into effect, which *alone* could entitle them to any favourable consideration. In as much, however, as the *exploring* of the Townships they petitioned for, may have been attended with some expense, His Majesty is pleased to allow, that applicants of this description may have grants of the *one fourth part* of the Townships they respectively petitioned for, upon condition of the immediate settlement thereof. This however is meant to extend only to those cases where the applicants did actually put themselves to the trouble and expense of exploring the Townships they applied for: and if these should desire to have the grants at the rate of *twelve hundred acres* to each associated Grantee, such Grants are to be subject to the additional Fees for the Public Service.

“ 5th. Such persons or associations of persons, who, from a desire of making actual Settlement on the lands, purchased the pretensions of those applicants that had become discouraged by the delays which took place in the passing of the grants, are to be considered as standing in the place and stead of the applicants, whose pretensions they so purchased, and to receive the Grants accordingly in the same proportions and on the same conditions as those applicants themselves would have been entitled to under the above regulations.

“ 6th. The remainder of the lands (except where Government may consider it proper to grant certain quantities to particular persons by way of favour, as rewards for services or the like; and excepting the reservations for the support of a Protestant Clergy, and for the future disposition of the Crown,) are to be disposed of at Public Sale, at certain times and places to be notified; in such quantities, and subject to such conditions of Settlement and Cultivation as shall afford the best chance for the purchasers becoming themselves the permanent Settlers on the lands, and for raising out of the price thereof an efficient fund towards defraying the Public expense of the Province.

“ 7th. The amount of the *new Fees* to be taken under the Royal instructions, now communicated to the Board, (including, as well the part payable to the officers concerned in passing the Grants, as the part to be appropriated towards the support of Government) is fixed at *twenty-five pounds currency per thousand acres*, and so in proportion, being at the rate of *sixpence an acre*; but it is directed, that the grants to be made in obedience to orders from His Excellency, in consideration of Services, shall be subject only to the payment of *half Fees*, or *three-pence per acre*.

" 8th. In the grants subject to these additional fees, and those of the lands that shall be disposed of by Sale, the Grantees are to have *all Mines and Minerals*, excepting only those of *Gold and Silver*, which latter are to be reserved to His Majesty, his Heirs and Successors, as formerly."

His Excellency likewise submitted to the consideration of the Board to report whether it might not be advisable to give public notice of these regulations, and to fix a reasonable time for the persons comprehended under the 1st 2d. 3d. 4th & 5th. Articles, to come forward and take out their grants; to the end that His Majesty's gracious intentions, respecting the raising of a fund towards defraying the public expenses of the Province, by the disposal of the waste lands in future, may be carried into effect with all convenient expedition.

His Excellency likewise informed the Board that several of the dispatches which he had received from His Majesty's Ministers, recommended that such measures should be devised, respecting the lands to be reserved for the support of a Protestant Clergy, and for the future disposition of the Crown, as might best secure them from depredations, and render them early productive for the purposes for which they were graciously designed.

It was, His Excellency observed, the opinion of His Majesty's Ministers (in which His Excellency most perfectly concurred) that the best mode of securing the reserved lots from depredations would be to grant them to occupants on such beneficial leases as will create an immediate interest in each lessee, to preserve them against all encroachment.

His Excellency did not indeed expect that, while the price of land shall remain low, any very considerable rent can be obtained; but it nevertheless appeared to His Excellency, that the reserved lots, situated in the immediate neighbourhood of actual settlements (and it was there only that depredations could be apprehended) might be readily disposed of at a rent that shall be very low for a term of years at the commencement, and be afterwards increased in certain stipulated degrees, from period to period, at the expiration of certain given terms of years.

His Excellency expressed his hopes, that, by the wisdom of His Majesty's Council, a plan of this kind might be devised, that would meet His Majesty's gracious approbation, and produce those beneficial effects which His Majesty so graciously designed.

ORDERED by His Excellency, with the advice of the Board, that it be referred to a Committee of the whole Council to report, with all convenient expedition, on the means that shall appear to be the most likely to secure the reserved lots against encroachments, and render them productive, for the purposes for which they were graciously intended by His Majesty.

(A true extract)

(Signed)

TH. CARY, A. C. Ex. C.

Report of the Committee of the whole Council, of the 20th June 1798.

To His Excellency ROBERT PRESSCOTT, Esquire, Captain General and Governor in Chief of the Province of Lower-Canada, &c. &c. &c.

Report of a Committee of the whole Council, [*present the Chief Justice and five Members of the Executive Council*] on your Excellency's order of reference of the 11th instant, respecting the Waste Lands of the Crown.

May it please your Excellency,

The Committee having, in obedience to your Excellency's order of reference, duly considered the question referred to them by your Excellency, "whether it might not be advisable to give public notice of the regulations contained in the order of reference, &c." and after the maturest deliberation on the tendency of several essential parts of the directions thereby communicated, they find themselves compelled to form a conjecture which they hazard with the greatest deference, which is, either that some accidental omission has taken place in the state of facts, relative to the granting of the waste lands of the Crown, which may have been laid before His Majesty's Secretary of State, or on the other hand, that the Executive Government of this Province have hitherto misinterpreted His Majesty's instructions on the subject. For, it is manifest, that the directions now communicated to the Board, are framed upon the principle of giving encouragement to a procedure which the Executive Council have ever thought it their duty to inhibit and repel to the utmost.

By the second direction it appears that a preference is to be shewn to those associated applicants who are actually settled on the lands: in which terms the Committee are necessarily led to include unauthorized settlers, as well from the notoriety of the fact, that almost all settlements hitherto made have been entered upon without title, as from the express tenor of the said direction, whereby an indulgence is extended to such of the settlers, "as may happen to be seated on lots reserved for the support of a Protestant Clergy or the future disposition of the Crown," who must evidently be of that description. And this unauthorized settlement, is the procedure which the Executive Council have hitherto endeavoured to restrain.

To prohibit and repel every attempt to acquire lands by the *robust title* of occupancy is so congenial to the ideas of civilized Government, and is in itself so reasonable, that it forms, as it were, a common law principle, of the system of land granting. The

civil commotions and open rebellion that prevailed in the neighbouring States, from a violation of these principles, are still related with horror. But the Executive Government of this Province have not rested on the bare principle, but have, from time to time, interposed positive restraints by prescribing certain formalities as indispensably necessary before the applicants could be qualified to receive a title or be allowed to enter into possession. These restraints being found ineffectual, they were followed up by a Proclamation issued in the month of August last, strictly forbidding such intrusion, under the penalties thereby announced. Should the Government be found to have acted improvidently in framing these precautions, the Executive Council most sincerely regret their error in having suggested them; but should such authoritative precautions be deemed salutary, after stating that these actual settlers have set them at open defiance, the Committee, from motives of respect, will abstain from any observations on the subject.

In regard to the third direction we think it our duty, in all submission, to represent that, when it comes to be applied to the cases of a great number of His Majesty's subjects of approved loyalty, it assumes a very serious aspect: not on account of the limitation of His Majesty's bounty in their behalf, which the Committee, if they may presume to exercise an opinion on the subject, humbly conceive to be sufficiently liberal, but from the comparison which must be made between the conduct of the classes mentioned in the 2d. and 3d. directions respectively, and of the consequences resulting therefrom, the conduct of the description of persons included under the third direction has been directly the converse of the conduct of those who are to benefit by the second direction, they having abstained from seizing upon His Majesty's lands, in disobedience of a solemn Proclamation, by which means they now are, and for a considerable time have been precisely in the predicament stated in the third direction, waiting to go on, in dutiful submission to the Law, and therefore will not fail to complain that, while others triumph in their transgression, they have not received an equal benefit for their obedience.

In regard to the 5th direction, whereby persons therein described, having purchased the pretensions of others, are to be considered as standing in their place and stead, the Committee most respectfully implore, that some consideration may be had of the labyrinth of deception, fraud, and, if they are to judge of the future by the past, of forgery which they will have to wade through, whose duty it may be to report on the validity of such pretensions and such purchases, which will encrease in a proportion not to be calculated, when this direction comes to be made public. Preten-

sions tho' an unsubstantial commodity in all countries, are in America particularly so, and are first formed by Signatures to a Petition consisting of names sometimes written by the parties, and sometimes written without their knowledge, sometimes of persons having existence, and sometimes of persons not having existence. Pretensions never seriously brought forward, or long since relinquished will be resumed, and personages found to represent every signature; deeds or contracts executed in such form and manner and under such circumstances as to cast a ridicule upon the idea of a serious transaction, will be multiplied and antedated, and frauds without number practised, which no vigilance can detect. How far therefore it may be practicable to give effect to this direction, is most respectfully submitted to superior wisdom.

Hitherto the Committee have confined their report to what they apprehend will be the immediate consequence of making these directions public, namely a spirit of dissatisfaction among His Majesty's loyal and dutiful subjects, issuing from plausible grounds of complaint and the encrease of collusion and fraud beyond computation. But when they extend their views to the remainder of the lands yet unapplied for, the Committee cannot but represent and deprecate the fearful consequences that will infallibly ensue, when it shall become known to the lawless and obtrusive race, who dwell upon the borders of this Province, that any relaxation of the system of repelling encroachments has been directed by authority; and though it should be thought advisable to confirm the orders given in the second direction, the Committee fully apprized of the almost ungovernable propensity of this description of persons, to take possession of, or to use their own idiom, to make their pitch on the most advantageous spots, seriously request permission to repeat their apprehension of the evil effects that will arise from publishing the reason assigned for the preference, lest, the disposition for actual settlement should be indulged to such an extent and by such numbers, that the whole of the Crown lands become occupied without producing a sentiment of loyalty or gratitude, and Government be reduced to the expedient of substituting connivance for authority.

For these reasons the Committee of the whole Council are unanimously of opinion that it is not advisable, for the present, to give public notice of these regulations.

The Committee, considering that their report on the subsequent matter contained in the order of reference, will much depend on the ultimate directions to be expected upon this report, propose to defer the consideration thereof, until such final directions shall

be received. All which is humbly submitted to your Excellency's wisdom.

Council Chamber, Bishop's Palace, }
Quebec, 20th June, 1798.

By order,

(Signed) W. OSGOOD, *Chairman.*

A true Copy.

(Signed) TH. CARY, A. C. Ex. C.

Extract from the Minutes of Council, of the 9th July, 1798.

His Excellency laid before the Board a Report of a Committee of the whole Council, dated the 20th June last, upon the Reference of the 11th of the same month, respecting the waste lands of the Crown, which was read and ordered to be entered.

His Excellency then observed that nothing would afford him greater satisfaction, than a coincidence of opinion between himself and the Members of the Executive Council, wherever such coincidence would be consistent with what he conceived to be his duty towards His gracious Sovereign and towards the Province over which His Majesty had been graciously pleased to appoint him to preside. To the fulfilment of these duties, with uprightness, impartiality and integrity of heart, so far at least as his abilities might enable him, he should certainly, if necessary, sacrifice every other consideration, either of pleasure or of ease. And he was exceedingly sorry that in the fulfilment of them, he felt himself compelled in the present instance to support a Doctrine, materially different from that contained in the report that had just been read to the Board.

His Excellency informed the Board that the Regulations which he had communicated on the 11th ultimo, and to which the Report related, were founded on what he conceived to be, A VERY MATURE CONSIDERATION of the Proceedings of the Executive Government of this Province, under His Majesty's Royal Instructions, on the 16th of September, 1791, as contained in the books now upon the table; copies of which proceedings, together with a true and faithful statement of the positions and arguments that had been urged both for and against the applicants, were transmitted to His Majesty's Ministers for that purpose.

Although indeed all men might be at all times liable to error; yet, His Excellency observed, a determination made by such high authority, possessing such ample materials whereon to form a proper judgement, was certainly entitled to so much respect that if the propriety thereof should not, at first sight, appear so clear and satisfactory to any person or persons as might be wished, the grounds, both of the determination and of any objection that might be opposed to it, ought to be well and truly examined, before any censure should be passed thereon. So far His Excellency

said, he was persuaded the Board would agree with him and he could not but entertain hopes that before they rose they should agree much further. He was the more induced to entertain these hopes, from his having observed that the greater part of the Members, who were present at the Committee that made the Report, happened not to be Members of the Board during the early stages of the business, and might therefore perhaps have been unacquainted with some of the proceedings that had then taken place: those also of the older Members of the Board, who were present at the Committee, might, His Excellency readily conceived, have lost the remembrance of those proceedings. His Excellency would therefore, in the course of his observations on the report which had just been read, take the liberty of explaining to the Board, the grounds of the several articles of the regulations where any explanation shall be necessary, in order to shew them in their just and true light.

The *first* article, being no other than the essence, as it were, of the report of the Committee of the whole Council, of the 24th of May, 1797, respecting persons who had heretofore obtained Orders of the Governor in Council for specific quantities of land; did not, His Excellency said, require any explanation.

The Foundation upon which the Committee build the objections that are contained in the Report, in regard to the *second* and *subsequent* articles is, 'That they are framed upon the principle of giving encouragement to a procedure which the Executive Council have ever thought it their duty to inhibit and repel to the utmost,' which procedure is afterwards explained to be the entry upon land and making settlement thereon without Title.

The Committee, His Excellency observed, had, he believed, fallen into a mistake with respect to a very important matter of fact in the very Foundation upon which their objections are built. The regulations, His Excellency said, were by no means framed upon the principle of giving encouragement to that procedure, they were, on the contrary, framed upon the principle of preventing those evils which must otherwise arise from the encouragement that had been heretofore given to that procedure by the Executive Council, and upon the principle of administering (through His Majesty's gracious benevolence) a rational degree of distributive justice towards those who had embarked their labour and property therein, in consequence of that encouragement.

That the applicants at large received advice and encouragement from the Members of His Majesty's Council, to come in and settle on the Townships they petitioned for, without waiting for the forms prescribed for issuing regular grants, and that they were actually expected by the Provincial Government so to do, are points,

His Excellency observed, that could not require greater proofs than are contained and repeated in divers pages of the Books now upon the table, in which the proceedings of the Executive Council stand recorded.

His Excellency then directed the Clerk to read part of the Minutes of Council of the 11th October, 1792, which was read accordingly, and ordered to be entered.

Extract from the Minutes of Council of 11th October, 1792.

" Read a Report of a Committee of the whole Council, on the
" representation from the Land Committee, respecting the want
" of Deputy Surveyors.

THE REPRESENTATION.

" To HIS EXCELLENCY ALURED CLARKE, Esquire, Lieute-
" tenant Governor and Commander in Chief of the Province
" of Québec, &c. Major General commanding His Majes-
" ty's Forces in America, &c. &c. &c.

" Representation from the land Committee concerning the in-
" conveniences likely to arise from the want of a sufficient
" number of Land Surveyors, to lay out the Townships al-
" ready applied for, by persons ready to take up and enter
" upon the immediate cultivation of tracts of the Waste
" Lands, appertaining to the Crown.

" May it please your Excellency,

" The number of Surveyors employed is ten, eight of which
" are in the field, the remaining two will be sent out in a few
" days."

" There is at present above three Millions of acres under War-
" rant of Survey, and to be laid out in Townships."

" Supposing the Surveyors were all at this moment at work,
" and allowing a month (many of them consider fifty days to be
" necessary) to complete the Survey of a Township, the business
" could not be finished in less than six months, and the Summer
" is now far advanced and not one return, as yet, made of a sin-
" gle Township."

" The Committee beg leave to observe, that the applicants for
" Lands from the late Colonies (now the States of Vermont, New-
" Hampshire, Massachusetts and Connecticut) after having obtain-
" ed the desired assurance of grants of the waste lands of the
" Crown in terms of your Excellency's Proclamation of the 7th
" of last February, have gone back to those countries, and their
" return may be soon expected with many hundreds of industrious

" men, who, as they say, anxiously wish to be admitted as British subjects, nothing doubting but they may immediately take possession of the lots they have been made to expect ; should they be disappointed from a want of Surveyors (or otherwise) to lay out the Tracts intended for them, they must remain idle in the woods or return from whence they came. In the humble opinion of this Committee, every possible means should be used to prevent this threatened evil. A check of this nature, given to the present spirit of emigration into the Canadas, would deprive this Province of an opportunity of encreasing the population of the Country, and of adding to its wealth by the ingress of skilful industrious farmers in great numbers : it is therefore submitted, whether the Surveyor General may not be required to set to work a greater number of Surveyors without loss of time."

" The Committee are aware of an objection that may probably be started by the Surveyor General's Office, against proceeding to the Survey of a new Township that is not bounded by a tract already surveyed : for example AMOS LAY, Proprietor of the Township of *Ely* applies for the tract ordered for him and his associates, not yet surveyed. The Surveyor finds that it is a Township in the fourth range, North of the line which separates the Province from Vermont, upon which line there is no known point from whence to depart but the Eastern boundary of Mr. DUNN's Seigneurie ; from thence he must measure the base of the township of *Sutton* and one of its side lines continuing North along the tide-lines of the townships of *Bolton* and *Stukely*, to reach the South-West corner of *Ely*, where he is to begin his operations on Mr. LAY's account ; but before he will proceed he will ask, who is to pay for running these lines to find Mr. LAY's corner ?"

" To obviate all difficulties in similar cases, the Committee humbly submit, whether (seeing the Crown will sooner or later be at half the expense of running all the lines of those townships) Government might not in the mean time satisfy the Surveyor. This mode of proceeding would prevent delay."

" All which is nevertheless most humbly submitted to your Excellency's great wisdom."

" Signed by order of the Committee, Council Chamber, Bishop's Palace, Quebec, 13th July, 1792.

(Signed) HUGH FINLAY, *Chairman*.

THE REPORT.

" TO HIS EXCELLENCY ALURED CLARKE, Esquire, Lieutenant Governor of the Province of Lower-Canada, and Major General commanding HIS MAJESTY's Forces in North America, &c. &c. &c.

" Report from the Committee of the whole Council, on the
 " representation from the Land Committee, respecting the
 " want of Deputy Surveyors, the Members assembled being
 " the CHIEF JUSTICE and Messrs. FINLAY, BABY and DUNN.

" *May it Please your Excellency,*

" In obedience to your Order in Council of the 4th of August
 " last, the Committee humbly report that they concur with the
 " Land Committee in their apprehensions of great detriment to
 " the public, unless means shall be found to give speedy execu-
 " tion of the Warrants issued to the Surveyor General's Office,
 " respecting the Waste Lands of the Crown.

" That it is well worthy of the Government to provide for the
 " probable contingency of the actual arrival of new settlers, des-
 " tined to a tract or township *not* at that time surveyed.

" That it is for this end expedient to require a Report from the
 " Surveyor General's Office, stating the number of the pre-
 " sent Deputies in employment, and what hopes may be en-
 " tertained of acquiring additional strength, for the immense
 " work to be performed; with liberty to suggest, whether any,
 " and what aid can be afforded by the energy of the Government,
 " and in what manner.

" Respecting the remedy in part, recommended by the Land
 " Committee, no solid objection to it occurs, if due care is taken
 " by the Surveyor General, under the restrictive proviso in the
 " in the Governor's Warrants of Survey, to confine the work to
 " a moiety of the expense on the outlines of a tract or township,
 " or where it exceeds it to apprise the Government of that excess,
 " that the Crown may be indemnified for the advancement, *be-
 " fore the issuing of the Patent.* But for the greater security
 " against the rescinding the proviso unnecessarily, the Surveyor
 " General ought to go into no departure from it without a special
 " order of the Governor and Council to authorize it; to be ob-
 " tained by an application from his Office to the Governor, stating
 " the reasons upon which the measure is founded: and as, after
 " all, it may so happen, through a want of Surveyors in the field,
 " that the intended occupants or grantees of a Township may ar-
 " rive at the spot before the return of the Survey, the Committee
 " recommend as a means to anticipate the best course on such an
 " event, that it be made a subject for the *deliberation and report*
 " of the Surveyor and Deputy Surveyor General, and that an
 " order issue that they do, from time to time, give the earliest
 " possible information as to which tract or township it shall have
 " happened or is like to happen; such an event affecting the
 " Royal interest and the common tranquility, and being in the

" highest degree interesting to all that come to settle, in a reliance upon the public faith and invitation.

" All which is nevertheless most humbly submitted to your Excellency's great wisdom.

Signed by order, 10th October, 1792,

(Signed) WILLIAM SMITH, *Chairman.*

" ORDERED, that the Clerk of the Board cause a Copy thereof to be served upon the Surveyor and Deputy Surveyor General for the guidance of that Office."

The Minutes, His Excellency observed, which the Clerk had just read, even were there nothing else, would convince the board, that the procedure of settling on the lands, previous to the issuing of the legal title, instead of being INHIBITED had been actually ENCOURAGED by the Executive Government of this Province; nor had His Excellency hitherto discovered any thing in the books upon the table, whereby that procedure had been inhibited, until the month of August last past.

The Proclamation that was issued in August last, ordering those who had gone on the lands without any sufficient authority, to depart; was intended (as His Excellency conceived and understood at that time) to apply to such persons only as might have come in mere stragglers, without being connected with any association of settlers, and without having obtained any order for a grant in favour of themselves individually.

Could His Excellency have thought that any person would have considered it as an order for those persons to depart, who had originally embarked their labour and property, upon the encouragement formerly held out to them under His Majesty's authority, no consideration would have induced him to sign an instrument, to be interpreted in a manner so derogatory to the honour, the dignity and the good faith, which has ever so conspicuously reigned in the breast of His Royal Master; and it afforded him much satisfaction to learn that the proclamation had been generally, (though perhaps not universally) understood by the bettermost sort of people in the country, in the same light as he himself understood it at the time he signed it.

His Excellency was as averse to any attempts of acquiring Lands by the *robust title of occupancy* as any Member of the Committee could have been when the report, now on the table, was drawing up; but he could by no means conceive that people, who had originally embarked their labour and

property, in settling lands, in consequence of such encouragement as had been given in this Province, and who had been year after year humbly petitioning for the grants which they had been originally taught by Government to expect; he could, he said, by no means conceive that people of this sort could be considered as having attempted to acquire lands by the *robust title of occupancy*.

The principal danger, His Excellency said, to which the carrying on a settlement upon such encouragement as was given in this Province may be liable, is, that it may happen through some accident or other, that the *Legal Title* may finally be granted to different persons from those who had made the settlement, and who, together with the occupancy, may be said to possess a *Pretension of Right*, under the encouragement that had been given. His Excellency used the terms *Pretension of Right*, in contradistinction to *Legal Title*. Wherever a Government shall have given such encouragement, it certainly behoves it to take especial care in forming such regulations for the issuing of the grants, as shall concentrate the *Legal Titles* with the above mentioned *Pretensions of Right*, and vest them both in one and the same person. Were the *Legal Titles* and the *Pretensions of Right* to be in different persons, there would undoubtedly be great danger that such a clashing of the one with the other would produce civil commotions; but if they are vested in one and the same person the danger is entirely avoided.

It would be tedious, His Excellency said, to discuss the causes which produced those civil commotions, alluded to in the report, that had heretofore taken place in the neighbouring States. It would be sufficient to observe, that they rose entirely from the *Legal Titles* being vested in one set of persons, while *Pretensions of Right* existed in another. But a though it was not now necessary to discuss that subject, yet, His Excellency nevertheless thought it right to inform the Board, that those commotions, together with the causes from which they flowed, and the effects that resulted from them, were duly weighed and considered when the foundation was laid on which the regulations, communicated to the Board on the 11th ultimo, were built. And the regulations were, in His Excellency's opinion, so framed as to preclude (if faithfully carried into execution) those dangers of similar commotions, to which this Province might otherwise be exposed.

With respect to the indulgence extended by the regulations "to such of the settlers as may happen to be seated on lots reserved for the support of a Protestant Clergy, and for the future disposition of the Crown," whom the Committee appear to con-

sider as intruders, His Excellency thought it right to explain to the Board, the reasons on which that indulgence was founded.

When the Settlements were commenced in the year 1792, it was intended by the Provincial Government, that the reservations for the Church and for the Crown should be located in the *Four Corners* of the several inland Townships that were situated on Rivers or Lakes: this determination is contained in the Minutes of Council of the 11th October, 1792, and the first Settlers made their arrangements accordingly. Afterwards, in the summer of the year 1793, the mode of locating these Reservations was altered, and it was determined in Council, on the 12th of August, 1793, that the applicants for five Townships (three of which had been then already begun to be settled, although only one of them had been yet granted) should have it in their option whether to have the reservations in those Townships located in four parallelograms, running through the Townships, from front to rear, or to have them located in detached lots: they chose the mode of parallelograms, and made their arrangements accordingly. The settlers, on some other Townships also, taking it for granted that one general system would prevail through the whole, made their arrangements in the same manner. On the 10th of October, 1794, the former orders respecting the allocation of the reservations were virtually rescinded, and it was determined in Council that the reservations, in *all* the Townships, should be located in detached lots, conformably to certain Diagrams contained respectively at pages 362 and 374 of the book C upon the table. In consequence of these alterations the reservations fell in sundry instances upon lots that had been settled on; and His Excellency could not but flatter himself that the Board would from hence readily perceive the propriety and justice upon which that part of the regulations was founded.

As the objections contained in the report of the Committee, respecting the *Third Article* of the regulations, and the comparison between the conduct of the applicants referred to in the *Second* and *Third* articles (namely those who had actually proceeded to the Settlements and those who had not) are built altogether upon the supposition that those of the applicants who proceeded to the settlement of the land they petitioned for, had, in so doing, acted in disobedience to the directions of the Executive Government: And His Excellency had already shewn that that supposition was founded on a mistake, and that they had in fact been thereunto encouraged by the Executive Government, and were expected by the Executive Government so to do, the whole of the objections here stated by the Committee would, His Excellency conceived, fall of course.

No remark having been made by the Committee, respecting

the *Fourth* article of the regulations (by which His Majesty's benevolence is extended in a certain degree to those of the applicants who may have put themselves to the expence of exploring the Townships they so petitioned for) His Excellency had of course nothing to observe to the Board thereon.

In regard to the *Fifth* article of the Regulations (by which persons therein described, having purchased the pretensions of others are to be considered as standing in their place and stead) in the execution of which the Committee apprehend much difficulty, His Excellency observed to the Board, that the determinations and counter-determinations herein before mentioned, respecting the allocation of the lands so to be reserved, the delays year after year, in regard to the passing of the grants, and in a word the *general uncertainty* with which the business appeared to be conducted, disheartened a great number of faithful applicants, who had intended to settle in this Province, and who had for that purpose incurred expences, some to a greater and others to a less amount; sundry of these disposed of their pretensions to others who possessing more confidence in His Majesty's Government, retained an idea that things would eventually come right; and paid to the former a consideration, by way of reimbursement for the trouble and expences they had been at. On this account it was thought perfectly reasonable and right that those of the purchasers, who actually meant to come in and settle on the land, should stand in the place of those from whom they had so purchased. This was the principle upon which the *Fifth Regulation* was founded; and his Excellency could not but consider it as a most just and equitable one. Neither could His Excellency conceive that there can be any material difficulty in carrying it into effect. In those cases where there shall be no caveats, there can certainly be no difficulty, and where there shall happen to be caveats, nothing more can be necessary than to hear and determine them before the Governor in Council, in the same manner as caveats amongst applicants for grants of land were heretofore heard and determined in His Majesty's other Colonies, now the American States. There were seldom, His Excellency observed, any very great difficulties in ascertaining even those truths that were required to guide the conscience in the solemn and awful duties of giving judgment in cases of life or death: and His Excellency could not conceive it to be possible that there could be any great difficulty in ascertaining such truths as would guide the judgment in the disposal of a few thousand acres of wild land to settlers, in a country which His Majesty had so long directed to be settled.

In regard to the *sixth article* of the regulations (which intimates that the disposal of the waste lands, in future, except in certain cases, will be by public Sale) His Excellency observed, that the

expenses with which the mother Country was burthened for the support of the Civil Government of this Province, had long been considered by very respectable people, both at home and here, as being, at least, in a great measure, unreasonable and unnecessary; and the more so as the waste lands of the Crown in this Province afforded so important a resource without any burthen to the inhabitants. It had also, His Excellency said, been long represented by numbers of respectable people, that the disposal of the waste lands by public sale, under proper conditions of settlement and cultivation, would be in every point of view, infinitely preferable to the granting them to persons petitioning; not only with respect to the sums that might be thereby raised for the support of Government, but likewise with respect to the more speedy Settlement and cultivation of the country by able and industrious farmers, and the consequent population and prosperity of the Province. It was truly natural, His Excellency said, when one considers the slow progress that has hitherto been made in the granting and settling of the lands, that such representations should be attended to by His Majesty's Ministers.

With respect to obtrusive settlers coming in to make their pitches as they term it, and as noticed by the Committee in this part of their report; His Excellency observed, that from the operation of certain causes, which (although they might be traced to an earlier period) first began to make their appearance in the newly settled parts of the country, about the latter end of the year 1795, or the beginning of the year 1796, there had been more reason to apprehend instances of that sort late than formerly. Were those causes to be fully open, His Excellency said, many of the people whom there was reason to expect might undertake long journies upon that errand would be found to merit commiseration, not reproach. His Excellency hoped he might never find it necessary to enter into an explanation of those causes; he certainly never would explain them unless it should become necessary; and he had the fullest reason to hope, and to believe, that by faithfully carrying into execution the directions he had received through His Majesty's Secretary of State, as communicated to the Board; and by disposing of the waste lands in future (except in certain cases) at open and public sale, every possible evil, that might otherwise be apprehended, would be effectually avoided.

His Excellency observed to the Board, that, although the position on which the report of the Committee is built (to wit, that the applicants who had proceeded to the settlement of the lands without having obtained legal titles, ought to be considered as intruders) appears to have been taken as an *axiom*, in its nature so evident as to be entitled to universal assent; yet, it had appear-

ed to him, from the moment he arrived in this Government, and was informed of the manner in which the land business had been conducted;—To wit, that since the conclusion of the American war (which was then thirteen years) many public invitations had been given for people to settle in this Province; that several hundred families had embraced those invitations, and that many thousands would gladly have followed their steps; but that, during that whole length of time, only one Grant had passed the Seal; It appeared to him, His Excellency said, from the moment he arrived and learnt this to be the case, that no position could with safety be taken, without first examining with great care and attention all the parts with which it might be connected, as well with respect to circumstances *consequent*, and those *present* and those *antecedent*.

On his making still further and further enquiries, His Excellency said, he found that the opinions entertained by different people were so extremely wide, and oftentimes so diametrically contrary to each other, that the subject appeared to him to be of infinitely too great magnitude to be decided upon in this Country. He therefore thought it his duty to lay before His Majesty's Ministers a brief historical narrative of the proceedings, in the order of time in which they took place; and as they stand recorded in the Books now upon the table. This he accompanied with a true and faithful (though brief) statement of the positions and arguments that had been set up, both *for* and *against* the applicants; and submitted the issue, so joined, to the decision of His Majesty's Ministers.

The evidence upon which the issue was determined was copied from the books now upon the table; it consisted not of partial extracts from any recorded document, but of the full copy, although certain parts thereof might not immediately relate to the points in question. The decision is contained in the regulations communicated to the Board on the 11th ultimo.

His Excellency likewise observed that in the framing of those regulations, the Report of the Committee of the whole Council of 24th May, 1797, which stated that the faith of Government had not been pledged, except in the cases therein described, was taken as a *Datum*. In as much however as a number of applicants, who did not come within the benefit of that Report, had, upon the encouragement that had been held out to them by His Majesty's Government in Canada, embarked their labour and property in carrying on the settlement, and others in preparations for carrying on the settlement of the lands they had petitioned for, agreeably to what they had understood and believed to be His Majesty's gracious intentions; His Majesty's servants judged, and in His Excellency's opinion they had judged with equal wisdom

and goodness of heart, that although the faith of Government had not been considered to be literally pledged to them, yet, it would be utterly inconsistent with His Majesty's Honour and Dignity, that people, who had so embarked their labour and property, upon the encouragement held out to them under His Majesty's authority should fail of sharing in His Royal benevolence; and the regulations were so framed, as to proportion His Majesty's benevolence (as nearly as general rules could well admit) according to the different degrees in which the different classes of applicants had exerted themselves, under the encouragement that had been so held out to them; than which His Excellency conceived, nothing could be more truly honourable or more religiously just.

His Excellency could not but flatter himself that the explanations he had now made would induce the board to entertain a very different opinion of the regulations from that contained in the Report of the Committee: His Excellency likewise flattered himself with hopes, that the Board would coincide with him in opinion (especially when it was considered that the applicants, who were the objects of His Majesty's Royal benevolence, had already laboured in suspense during six long years) that it would be proper that His Majesty's gracious intentions should be, in some way or other, made known to them without delay, to the end that their long and painful anxieties might cease; and that they might come forward with gratitude and cheerfulness of heart, to take out their grants, according to the proportions prescribed by the regulations; preparatory to the carrying into execution His Majesty's further gracious intentions, of raising by future disposals of the waste lands, a fund to be appropriated, by His Majesty, towards defraying the civil expenses of the Province.

ORDERED, by His Excellency, that it be referred to a Committee of the whole Council, to consider of the most proper means of communicating, to the parties concerned, His Majesty's gracious intentions contained in the regulations laid before the Board on the 11th ultimo, and to report the same to His Excellency with all convenient dispatch.

A true Extract.

(Signed)

THOMAS CARY,

A. C. Ex. C.

THURSDAY, 20th September, 1798.

At the Council Chamber in the Castle of St. Lewis.

PRESENT,

His Excellency ROBERT PRESCOTT, Esq. Governor, and
 The Honourable W. Osgoode, Chief Justice.
 The Lord Bishop, François Baby, and } Esquires.
 Hugh Finlay, John Young, }

THE entry of Minutes of the last Meeting of the Board (9th of July last) being read, His Excellency requested that it might be remembered that the order for recording the Report of the Committee of the 20th June (relative to the new regulations then lately received through His Majesty's Secretary of State, in conformity to the instruction under His Majesty's Royal Sign Manual, bearing date at St. James's, the 15th day of August, 1797, communicated to the Board on the 11th of June, last) was not *voluntary* on his part; but, on the contrary, that the draft of the Minute which His Excellency on that day brought forward stood thus, "His Excellency laid before the Board a Report of "a Committee of the whole Council, dated the 20th of June last, "upon the reference of the 11th of the same month respecting "the Waste lands of the Crown, which was read and ordered to "be filed;" and that it was purely in compliance with a request of the Board that His Excellency had permitted the word "*filed*" to be struck out, and the word "*entered*" to be substituted in its place.

His Excellency could not but feel some degree of regret, at the circumstance of that request being made and complied with: His regret, His Excellency said, arose from this consideration; the records of the proceedings relative to the granting of the Waste lands of the Crown, by an old standing order, perfectly conformable to His Majesty's Royal instructions, and therefore to be held in all cases inviolably sacred, were, what they undoubtedly ought to be, open for the information and satisfaction of all persons concerned therein.

It appeared to him, His Excellency observed, that when, on any subject, there might happen to be a momentary difference of opinion between the Governor and his Council, it would be much better that their reasonings should be put, at least for some time, on *special files*, to be open only to the Governor and Members of the Council, (or to such other particular individuals as might obtain special permission from the Governor or from some Member

of the Council for that purpose) to the end that the same might be reconsidered, whereby an *Union* of opinion might take place previous to the recording, than to record at once the *different* opinions so entertained. For although His Excellency would in such cases always endeavour on his part, to consider the subject so fully before-hand, as not to be afraid of submitting his opinion thereon to the judgment of the whole world; and although he would always be ready on his part to correct by a *future* document any mistake (all men being at times liable to error) that he might at any time discover in a *prior* one; yet, (admitting likewise that the same dispositions should equally prevail in the breasts of all the Members of the Council, His Excellency could see no use in entering upon record, opinions that were not coincident; at least until they should be reconsidered.

The reason His Excellency said, which induced to prefer the putting of such different opinions in all future cases upon *special files*, was this, he could see no good reason why any momentary difference of opinion between the Governor and the Council, should be open to the public; which must be the case in regard to the Land-business, if entered upon Record: for, His Excellency said, he could on no account whatever depart so far from the orders of his Royal Master, as to allow any of His Majesty's Instructions relative to the granting of the Waste Lands of the Crown, or any of the proceedings had thereon, so far as the same shall be entered on record or placed of record on the *ordinary* Files, to be kept for the parties concerned.

His Majesty's Royal Instructions, in order to avoid all causes of complaint with respect to partiality, strictly enjoin (in addition to any publication that might be made by "Proclamation or otherwise,") that all instructions which His Majesty has given, or may hereafter give "relating to the passing grants of lands in conformity to the Act passed in the thirty-first year of His Reign, be entered upon record, for the information and satisfaction of all parties whatever that may be concerned therein."

The instruction relating to causing "a publication to be made by Proclamation or otherwise," gives in some degree a *discretionary* power, to be exercised by those who might be entrusted with the administration of the Provincial Government: But His Majesty's Royal commands, that his instructions shall be entered upon record, and that all parties concerned shall have free access to those Records, are in no degree *discretionary*, but in every respect *positive*.

Were the parties to have free access to the Records for the purpose merely of knowing His Majesty's Royal Instructions, considered by themselves, separate and distinct from the proceedings had thereon, such access could be of no possible avail to them. The instructions therefore, together likewise with the proceedings thereon, in which the interests of individuals may be concerned, are necessarily included in His Majesty's Royal Commands; and His Excellency can on no condition (at least on no condition short of an express permission from his Royal master) allow His Majesty's commands to be disobeyed.

His Excellency then informed the Board that he had received a Report of the Committee of the whole Council dated the 9th of August, and delivered on the 16th of the same month, upon the reference of the 9th of July last.—On perusing the Report, His Excellency said, he found that certain parts thereof contained opinions which he could not exactly coincide with; he had therefore made certain remarks in writing, relative to the points which appeared to him in a different light from that in which they had appeared to the Committee; which, together with the Report he was about to lay before the Board.

As His Excellency had not till now, explained his reasons with respect to the placing of any documents on *Special Files*; it was his intention, in the present instance, to make such Order as the Board might think proper to advise, whether to put the present report together with his remarks thereon upon a *Special File* as above defined, or to enter them upon record: and if the Board should not be prepared to favour him with their advice therein, he should order the Report and his Remarks to be put on such *Special File* for the present, and not recorded until further orders may be given therein by the Governor, after the expiration of ten days from this time.

His Excellency then laid the Report, together with the Remarks he had made thereon in writing, before the Board; which being read and considered, the Chief Justice, in the name and on the behalf of the Members present, advised that the same be entered; and His Excellency having given his word, in manner above-mentioned, ordered the same to be entered of Record accordingly.

THE REPORT.

[N. B. The different paragraphs are numbered 1, 2, 3, &c. for the purpose of enabling the reader to refer the more easily to the correspondent parts of the Governor's remarks, which are numbered in the same manner.]

To His Excellency ROBERT PRESCOTT, Esquire, Captain General and Governor in Chief of the Province of Lower-Canada, &c. &c. &c.

REPORT of a Committee of the whole Council, Present, the Chief Justice, and seven other Members of the Council, on your Excellency's Order of Reference of the 9th ultimo, "to consider of the most proper means of communicating to the parties concerned, His Majesty's gracious intentions contained in the Regulations laid before the Board on the 11th ultimo," respecting the Waste Lands of the Crown.

May it please Your Excellency,

1. In obedience to your Excellency's commands, the Committee have taken into serious consideration your Excellency's order of reference, of the 9th July last, "to consider of the most proper means of communicating to the parties concerned, His Majesty's gracious intentions contained in the Regulations laid before the Board on the 11th June last," and after tendering their most thankful acknowledgments for the solicitude manifested by your Excellency to explain the import of the regulations communicated in the Order of Reference of the 11th June last, by entering into a detail of the motives that gave rise to them; the Committee will avail themselves of the authority of such example, and with all deference lay before your Excellency a more extensive view of the reasons that induced them to make the report of the 20th June last, as well as of the report which they now submit to your Excellency's wisdom, which would have been sooner presented but for their continued attendance at the Court of Appeals, and the difficulties they have experienced in endeavouring to obtain necessary documents.

2. With every disposition to profit by your Excellency's superior judgment, they beg to observe before they enter upon the subject that if in delivering their sentiments, the Committee may appear to differ in opinion from others, they hope that such variance may not subject them to the imputation of casting censure upon any one, because if difference of opinion do necessarily imply censure, benevolent men will have no Judgment to exercise; and if discussion must produce discord, a deliberate Council is ill calculated to answer the ends of its institution.

3. Another observation the Committee will take the liberty of premising, which they hope will tend to relieve that laudable anxiety so feelingly expressed by your Excellency in those cases of compassion which are mentioned in the Order of Reference; the

Report already made by the Committee, conduces to this matter of opinion, that it is not expedient for the present to make public the Regulations communicated to them, and it neither follows as a necessary or natural consequence, that therefore Government is not bound to fulfil every engagement which in equity they may be said to have contracted with the public. On the contrary, the Committee trust that your Excellency will meet with a zealous co-operation on their part, to keep His Majesty's sacred word inviolate, and to perform whatever in justice or honour may be required of the Executive Government. They are under no apprehension that the faith of Government will not be preserved, though they are fearful that its liberality may be abused; and therefore they were diffident of recommending public notice to be given of the Regulations.

4. The Committee would hold themselves to be deficient in the observance of respectful usages, were they to omit expressing their acknowledgments for the apology your Excellency is pleased to frame for their supposed inadvertence to the present business: Had the obligation proceeded from a less exalted quarter, they might have qualified their gratitude by some observations in their own justification, from which they will for the present abstain.

5. With regard to the Extract cited by your Excellency, the Committee are ready to admit that it appears to countenance the procedure mentioned in the Order of Reference: But with regard to that document, it has long since been considered a nullity, both with respect to the object of its immediate tendency, and also as constituting an authority to justify the proceeding alluded to. The object of its immediate tendency was to obtain a supply of Surveyors for the new Townships at the joint expense of the Crown and the Applicants; this division of payment was for some time deemed to be an authorized measure; but it being wisely considered by His Majesty's Ministers, that it was sufficient for the Crown to extend its bounty, without incurring an additional charge on account of its liberality; the Governor received in consequence, authentic information that the Crown would be at no further expense on that object. From this period the document in question has been looked upon as a dead letter: as an authority to justify the proceeding alluded to it is null, because it was made under the prevalence of a temporary mistake, and is in direct contravention of His Majesty's Instructions.

5. To explain more fully the nature of this temporary mistake, the Committee, with your Excellency's permission, will enter into a brief narrative of the proceedings of the Land-granting Department, by which the delay that has already obtained may be

partly accounted for; and the position asserted by the Committee in their former Report, that they have uniformly endeavoured to repel actual settlement before a compliance with the previous formalities, will be established by the most authentic proofs.

It appears by an Entry in the Council Book marked (C) of the 20th February, 1792, that a Land Committee was on that day named in Council.

On the 17th March, 1792, a Report of the Committee of the whole Council upon certain doubts suggested by the Land Committee is entered. In this Report after observing "that an abundant population of these countries seems to be the main object of the Royal instructions," the Chairman of the Committee proposed a plan of the ordinary progress of the business of the Land Office Department as follows:

1st. A Petition to the Governor for the vacancy desired under a description to be accurately ascertained by a future Survey.

2d. The Reference of it to a Committee of the Council for their Report.

3d. Judgment in Council thereon; and when for the Grant, *an Order for issuing a Warrant to the Surveyor General*, for the Return of a Survey agreeable to the Royal instructions: this Warrant to be under the Governor's Hand and Seal at Arms.

4th. Then the adjustment in Council for the shares of each of the Patentees.

5th. A Transmission of the List by the Clerk of the Council to the Commissioners for taking their qualifications under standing instructions for that purpose, within the time limited by an Act or Minute of the Council.

6th. A Report from the Commissioners to the Council-Office; whence those papers are to go into the hands of the Attorney General for his Report to the Secretary's Office of the Draft of a Patent.

7th. The Patent to be there engrossed and issued under the Great Seal upon payment of the Fees due to all the Officers concerned, and to be accordingly distributed by the Secretary, who is to record the Patent, and preserve all the detached files.

After which it is recorded "that the Committee concur in the mode of proceeding aforementioned suggested by the Chair," and this Report was finally confirmed in Council.

From some cause which it were useless now to inquire into, it so happened, that the progress of business proposed by the Chairman of that day, directly inverted the course commanded by His Majesty's instructions; for it appears that by the progress pro-

posed, the Order for issuing a Warrant for the Return of a Survey, precedes the Transmission of the List for taking the qualifications; whereas by His Majesty's Royal Instructions (No. 35) it is expressly directed that "in order to prevent any persons disaffected to Us and our Government, from becoming Settlers in our said Province of Lower-Canada, it is our will and pleasure that *no warrants for surveying Lands be granted by you, or the Lieutenant Governor, or the person administering the Government for the time being, unless the person or persons applying, do at the time of making such application, besides taking the usual Oaths directed by Law, also make and subscribe the following declaration in your or his presence, or in the presence of such person or persons as shall by you or him be appointed.*" &c.

7. In consequence of the mode thus adopted, upwards of one hundred and fifty Warrants of Survey for Townships were issued even before any Commissioners, were appointed to administer the Solemnities previously required by the said instructions; but notwithstanding the number of warrants issued, thus the business of Settlement went on tardily, even at the time when it was understood that Government was to discharge half the expense of running the outlines; which delay, as appears by Reports from the Land Committee, and the Surveyor General's Office, arose from the uncertainty of the Settlers with respect to three material points. *First* with regard to the position of the Reserves intended for the benefit of the Crown, and the support of the Protestant Clergy; *Secondly*, the amount of the fees to be paid on obtaining the Patent; and *Thirdly*, the quantity of Land which the Petitioners and their Associates may expect.

8. A considerable portion of time elapsed before these points were settled; however, towards the close of the year 1794, the objects of the *reserves* and *fees*, being brought forward by His Excellency Lord Dorchester, were ascertained and determined by His Lordship in Council; and afterwards were made known to the public. At this period the former Chairman of the Committee of the whole Council (Wm. Smith, Esq. Chief Justice) was no more; and within a short time afterwards every Member of the present Council had a seat at the Board. The business of Land granting began seriously to be resumed, and the Commissioners for giving effect to His Majesty's instructions were duly appointed. Upon a review of former proceedings the error that had heretofore occurred was noticed, and immediate course was taken to repair it; and this, in the opinion of the Committee, is the true period at which an effective commencement of the Land-granting Department ought to be fixed; not only because the former pro-

ceedings being contrary to the express instructions of Government (although Government with becoming dignity did not mean to vacate them) were null; but also, because the essential powers to put business in motion were not till this juncture combined, or even created. From this time, the Executive Council, being aware of the mischiefs arising from actual Settlement without a Compliance with the previous formalities, have uniformly endeavoured to inhibit it; and have employed themselves to carry His Majesty's Instructions into execution, with respect to past proceedings, if not in the order in which they had been directed, at least to their full extent; and, with respect to future proceedings, duly to observe the Order prescribed by His Majesty, to prevent actual Settlement till all previous requisites should be faithfully observed; and as evidence that such was both the resolve and practice, they beg leave to refer your Excellency to a Public Notice bearing date the 10th of October, 1794, recorded in the Council Book (C) page 367, in which the distinction before alluded to is plainly made, namely that those who had obtained Warrants of Survey should comply with the directions therein stated prior to the issuing of any Grant of Land; and that they who meant to apply for any such Warrant, should also conform thereto; and this was published with a direct view of preventing the unauthorized settlement of any person in future; as no warrant of Survey would be issued, or has since been issued, without a previous compliance with such directions: and with the view to quicken the attention of those who having taken possession under their warrants of survey, were contented with their occupancy, and did not seem disposed to give themselves any further trouble, Public Notice was given from the Executive Council Office, on the 17th January, 1795, "to all persons who have obtained Warrants of Survey, or
 " Orders of His Excellency the Governor in Council for any part
 " of His Majesty's ungranted lands in this Province, to comply
 " with the requirements contained in the said Advertisements
 " on or before the first day of August next, and that in default
 " of such compliance, they will be considered by Govern-
 " ment to have relinquished their pretensions under any Order of
 " Council or Warrant of Survey that may have been directed in
 " consequence."

9. At the expiration of this period it appeared by the Schedules annexed, and the Returns of the Commissioners, that of upwards of three hundred Leaders, and ten thousand proposed Associates, the number of those who had complied with the directions, did not exceed five hundred and fifty, so that the number of persons who had duly qualified themselves, bore a very small proportion

not only to the amount of the applicants, but even to those who were supposed to have made actual Settlement on the land ; who, having neglected to comply with the terms of the notice, were clearly subject to the penalty thereby announced. After these forfeitures had accrued, it was generally understood that in addition to those persons who had satisfied themselves with a bare Warrant of Survey of the outlines of a Township, a number of others, under various pretexts, some from having purchased pretensions, and others because it suited their interest, had made actual settlement in various quarters; and many upon Lands reserved for the support of a Protestant Clergy, and the future disposition of the Crown. To check this propensity, it was thought expedient to issue a Proclamation as mentioned in the former Report ; but this Proclamation never was intended by the Executive Council, nor could upon any principle of sound construction, be supposed to affect the parties alluded to in your Excellency's Order of Reference, who might have an equitable claim upon Government, but those only who having forfeited their claim, or having no claim at all, had made actual Settlement without sufficient authority.

These successive measures would be alone sufficient to evince the anxiety of the Executive Council to resist actual Settlement without authority, from the first moment that the necessary powers to carry the granting of Lands into effect were in existence ; but the most convincing proof of their disposition, as well as of the influence of that disposition upon the public opinion, arises from the conduct and forbearance of a numerous body of Applicants of approved Loyalty, who possessed of that operative Instrument, a Warrant of Survey, have, from a principle of decency, refrained from taking possession. This is a fact, which added to their public notices, affords, in the opinion of the Committee, the strongest proof of the position they have asserted.

10. For the purpose of applying the effect of the Regulations, the Committee will divide the applicants who have made actual settlement, into two classes, without attending to the numerous persons who have so done because it suited their interest.

First. They who come strictly under the description set forth in the second regulation, and have also obeyed the notices issued by the Executive Council.

Secondly. They who come under the said description but not obeyed the notices issued by the Executive Council.

Respecting those of the first Class, the Committee never entertained a doubt but they had an equitable claim, which the Committee have ever been ready to confirm.

Respecting the second class, the number of which it will not be easy to ascertain, because the Returns relate to the obedient only, but which class (if Judgment is to be formed by common Report, or by inference drawn from the limited number of those who appear by the Returns of the Commissioners to have obeyed) must be considerable; the Committee are under great difficulty to know whether they are to partake or be excluded from the benefit of the Regulation.

11. With regard to the explanation given by your Excellency concerning the Reservations, the Committee are ready to admit that it may apply to the small number of Townships alluded to, but the question with the Committee is, whether it applies to the remaining Townships; for it is to be observed that the directions are not partial but general.

12. The Committee have paid due attention to your Excellency's Remarks on the purchase of pretensions; and with a view of ascertaining how far such pretensions may extend, they thought it expedient to call for the documents stated in their Journal, from the respective Officers therein mentioned; but with these materials they have not been duly supplied; and in the retardment they have met with, the Committee are concerned to find, such familiar use has been made of your Excellency's name, that you are represented as having condescended to comment on the purposes to which such documents may apply: under these circumstances therefore, the Committee are compelled to proceed upon less complete information than they could have wished, and such as by personal search of the Records they can obtain.

13. Your Excellency will perceive from a Report of the Surveyor-General of the 19th August, 1790, entered in the Council Book of State Affairs, (Letter H. page 8), that the waste and ungranted lands of the Crown, lying on the south side of the River St. Lawrence, are stated to be above 20,700,000 acres. By computing the Returns, as appears by the Schedule annexed to this Report, it appears that upwards of 300 Leaders with nearly 11,000 professed Associates may have pretensions under Warrants of Survey, to the most desirable portions of this extensive Tract; the value of which, were it calculated at present, or at no very distant day, by estimates already given in upon oath in His Majesty's Courts of Justice, would amount to upwards of two Millions sterling; it may therefore be readily concluded what exertions are likely to be made to establish pretensions to this extensive boon, when founded on the specious plea of delay on the part of Government; and should the sale of such pretensions receive encouragement, the Committee apprehend that the unclaimed resi-

due will not afford a very productive source of Revenue to answer His Majesty's gracious purposes. These circumstances the Committee have thought it expedient to state, not with a view of presuming to set limits to His Majesty's bounty, but as matters of fact, which they deem it necessary His Majesty's Ministers should be apprized of.

14. The Committee have also paid due attention to your Excellency's observations on the facility of adjudging on the purchase of pretensions; and have likewise considered the analogy suggested from the nature of the investigation of fact in cases of life and death. How painful soever the discharge of those duties may be, the feelings of those who preside on such solemn occasions, are greatly alleviated by the consideration, that crimes are defined with precision, the course of proceeding established by long experience, and the effect of evidence settled by a series of Determinations. But in the present case, first principles are to be previously established: What constitutes a Pretension? What shall amount to a Settlement? What species of conveyance shall be evidence of a purchase? these appear to be simple questions, but judicious men would hesitate before they could be prevailed on to answer them. When these points are settled, the inquiry must proceed with precautions unattended to in the ordinary course of business. Evidence must even be required that every party named, has or had, a physical existence. For the Committee trust that the right of the Crown will not be concluded by the very simple process alluded to in the order of Reference, that because no Caveat is entered, therefore there can be little doubt; the opening to collusion, being in such cases but too manifest. And as Testimony, though difficult to be obtained, will be procured in a common cause; and as many consciences may not revolt at the means employed to procure the lands of the Crown; the vigilance of the King's Servants must be exerted in proportion; with the discouraging reflection that after every effort it will be baffled, and that while they persuade themselves they are dispensing justice, they will in fact be only ministering to the triumph of fraud.

If the being named in a Warrant of Survey constitutes a pretension, when it is considered that pretension is a plant of prolific growth in every soil, and that many thousands may avail themselves of such Claims; what time may it not require to adjust them?

Apprized as the Committee are of the innumerable frauds that have already been practised, of which they could produce abundant proof, as well as of the frauds which are daily practising, respecting the Waste Lands of the Crown, with all the draw back

of uncertainty avowedly attending the speculation, it being well known that three patents only have been issued; The Committee almost shudder at the deluge of iniquity with which they must be overwhelmed should the traffic of pretensions be confirmed; and finding that ordinary language is too feeble to express their apprehensions, they will dwell no longer upon the subject than sincerely to implore a further consideration, how far it may be expedient to authorize a proceeding tending to confound Possession with Right, and to encourage those loose notions of property which in these days are but too prevalent.

15. Attending to the progressive course observed in the Order of Reference, the Committee are now come to a part of it which gives them great disquietude; and though they are prevented by a sense of decorum from citing detached portions for the purpose of commenting thereon, yet they are compelled in justice to themselves to observe that by a particular passage in the Order of Reference they are reduced to very considerable embarrassment. The part alluded to must be designed either for the purpose of explanation, or for some other purpose; if for the former, it need not be observed that explanation receives small aid from the language of mystery, or rather from an averment that the matters alluded to never should be explained, unless it should become necessary; but if it be intended to convey the idea of which it is clearly susceptible, the Committee must observe of the person who advised it, that he shows little reverence for His Majesty's representative, by scattering vague and unworthy insinuations; or regard for His Majesty's Executive Council, in presuming they would be heard with indifference.

16. Although the Executive have been accustomed to receive more ample and specific information, particularly in land matters, than it has been thought expedient to communicate by your Excellency's first order of reference, on which the Committee foresee, that unless they are supplied with some more precise document, they shall be unable to proceed, from the manner observed by those who have been directed to prepare it; yet they cannot omit expressing their acknowledgments for the detail your Excellency has been pleased to give of the materials laid before His Majesty's Ministers respecting the object in question. They beg leave to tender their approval of the course taken by your Excellency in not limiting your information to the documents contained in the Council Books, which, although unquestionably authentic so far as they extend, are very inadequate to convey a comprehensive account of the present state of land matters. They are also grateful for the information given to the Committee, that finding opi-

nions diametrically contrary to each other, you submitted a true and faithful statement of the different arguments on the subject. A conduct of this sort certainly evinced the most earnest desire of giving the fullest information. At the same time, recollecting the groundless reports and absurd notions that prevailed in public, and having heard nothing that deserved the name of argument, a term which your Excellency's courtesy has assigned to their discourses; the Committee cannot but lament the peculiar difficulties under which your Excellency must have laboured in bringing forward what was worthy of the consideration of His Majesty's Ministers; at the same time they regret that among the repeated inquiries, it was not thought necessary to demand any opinion on the subject from a particular body, where it is probable your Excellency would not have been perplexed by a diversity of sentiment; because the Executive Council are led to conclude, from that harmony which for some years has happily subsisted among them (whether for the benefit of the Province or otherwise is not for them to determine) with only one instance of recorded division, and that in a matter where the public had no concern, they might at least have relieved your Excellency from part of that disquietude which must have arisen from the conflict of discordant sentiments.

17. Without regarding the vague and idle discourses of particular persons, the Committee will notice an error which was almost universally prevalent, which confirms the observation that men of eager minds, when warped by interest, are liable to fall into mistake, as those of confused intellect. After the Report of the Committee, on the question how far the faith of government was pledged became to be made known, the general inference was, that because Government did not hold themselves pledged to gratify the expectations of every speculator, therefore they did not mean to attend to the equitable claims of individuals. The Committee did not conceive that such a consequence could be deducible from their Report, and were therefore under no apprehension that His Majesty's honour and dignity would suffer thereby.

18. Having again considered the regulations proposed to be made public, the Committee still think it incumbent on them to represent the Complaints that will inevitably be made, for the reasons before assigned; whether such complaints are of sufficient importance to be noticed, it rests not with them to decide; but they hold it their duty to state them. They are also apprehensive that the equitable motive for the indulgence shewn to actual

settlement will be misunderstood ; and as the opinion of the people is greatly influenced by words, that the very terms *effectual Settlement*, so congenial to their notions, will dwell upon their ears, and that they will be misapplied by future applicants, who will continue to think that *actual settlement* is the first step to secure the lands they petition for, which must necessarily produce the pernicious consequences pointed out in the former Report. In firm conviction of the truth of this opinion, and in full persuasion that whatever is suggested by purity of intention and submitted in terms of respect, will meet with a candid acceptance on the part of His Majesty's Ministers ; they will presume to suggest that all the beneficial effects graciously intended to the description of applicants included in the second regulation, may be equally secured to them by substituting other terms for effectual settlement, in the form of the regulation to be made public ; the Committee pledging themselves to a due observance of the Spirit, and trusting that much inconvenience may be avoided by changing the Letter of the Regulations. On the fifth article, respecting the purchase of pretensions, the Committee have already expressed their sentiments, perhaps with too much anxiety ; they will therefore only repeat their serious request, that as they are convinced its execution will be attended with difficulties almost insuperable, and with consequences most mischievous, so they humbly hope it may receive such temperament as His Majesty's Ministers in their wisdom may think it expedient to advise.

19. Upon a reconsideration of the matters referred to them, and of the conclusion contained in their former report, the Committee find no cause to depart therefrom ; and have therefore to request of your Excellency that it may be submitted to the consideration of His Majesty's Ministers, before the Committee undertake to propose any means of communicating to the parties concerned, His Majesty's gracious intentions as contained in the regulations.

20. Having laid before your Excellency their deliberate opinion on the matter referred to them, the Committee, before they conclude in the usual terms of submission, regret that they are under the necessity of trespassing somewhat further on your Excellency's patience from a circumstance connected with the present order of Reference. By the correspondence and examination stated in the Journal of the 25th and 30th ult. respectively, it appears that your Excellency has referred to some authority of His Majesty, other than the 38th instruction, of which the Committee have not hitherto been apprized ; and that by your Excellency's construction thereof, the Order of Reference on which the present report

is founded became subject to public inspection, and was actually perused by various persons before it came to the possession of the Committee to whom it had been referred for deliberation, and of necessity before the report could be framed thereon. The Committee apprehend this course to be so repugnant to the first principles of propriety even in the ordinary transactions of life, that they can with difficulty persuade themselves it would be sanctioned when applied to the important concerns of the Executive Government. On the present occasion however, the Committee cannot but express their regret and surprize at the small regard paid to their Council, when, after having received their deliberate and unanimous Report that it was not advisable for the present to make the regulations public, your Excellency should have been advised to direct that both the regulations and the report thereon should be made public; and further, that when your Excellency was pleased to require the Executive Council to consider of the most proper means of communicating to the parties concerned, His Majesty's gracious intentions, your Excellency should at the same time, before it were possible for the Committee to report on the subject, peremptorily direct that Copies of the regulations should be made out for such as chose to apply for them; of which order many persons have already availed themselves. By these measures the estimation in which your Excellency is pleased to hold the Executive Council has become public and notorious; and they cannot reflect on their situation without considerable uneasiness. It is a condition to which no one having the honour to represent His Majesty heretofore in this Province, has thought it prudent to reduce them; and they are conscious that the integrity of their conduct, their attachment to His Majesty's interests, and their zeal for the credit of your Excellency's administration, demanded a more regardful treatment. The Committee beg your Excellency to reflect, that should His Majesty's Executive Council be degraded in the public esteem, the contempt of the King's Government will have but one stage farther to complete its progress. Being satisfied therefore, that it imports His Majesty's interests as well as their own feelings, that the opinions of the Executive Council should be entitled to some attention, they humbly request your Excellency that regard may be had to this consideration in all future directions; that the Committee may asseverate in confidence in discharge of their duty to the King, without being reduced to the painful necessity of concerting measures in support of their own dignity.

The Committee have accompanied this Report with a Journal of their proceedings, which they pray may be considered as forming a part of their Report; to which they have annexed various other documents.

All which is humbly submitted to your Excellency's wisdom.

By Order,

(Signed) WILLIAM OSGOODE,
Chairman.

COUNCIL CHAMBER, Bishop's Palace, }
Quebec, 9th August, 1798. }

THE ANNEXATIONS are

1st. The Journal of the Committee. Viz :
1798:

16th July, containing

Orders on the Clerk of the Council, and Surveyor General, requiring certain compilations.

23d July.

Further Orders on the Surveyor General.

25th July.

A Correspondence between the Governor's Private Secretary, the acting Clerk of the Council, and the Chief Justice, respecting the proceedings being open to all parties interested. And interrogations from the Committee to the Acting Clerk of the Council, with his answers on the same subject.

30th July.

Further interrogatories and answers of the same parties on the same subject.

4th August.

Respecting the compilations required from the Surveyor General, and acting Clerk of the Council.

8th August.

The Committee proceeded to take into consideration the Draft of their Report.

9th. August.

Respecting a correspondence between Mr. Chief Justice Monk and the acting Clerk of the Council, and an address to the Governor on the subject.

Motion of Chief Justice Monk, to substitute a Report prepared by him, in the place of the one prepared and proposed by the Chairman of the Committee; which was rejected, there being three votes for the motion and four against it.

2d. A statement of the number of persons who had taken the Oaths, &c. prior to the 1st of August, 1795.

3d. Ditto of the whole number of persons who had taken the Oaths, &c. so far as the returns of the Commissioners have been received.

4th. A Letter from the Surveyor-General to the Acting Clerk of the Council, dated 18th July, 1798.

5th. A ditto from ditto to ditto.—4th August, 1798.

3th. An unfinished Schedule of applications for Townships, with the proceedings thereon, subsequent to the 7th February, 1792.

THE GOVERNOR'S REMARKS

On the Report of the Committee of the whole Council of the 9th of August, 1798, upon the Reference of the 9th of July, "to consider of the most proper means of communicating to the parties concerned, His Majesty's gracious intentions, contained in the Regulations laid before the Board on the 11th of June, respecting the Waste lands of the Crown."

1st. The Governor observes the "thankful acknowledgments" of the Committee for his explanation of the import of the Regulations, and considers the other business with which the Members of the Committee were occupied, as a sufficient reason for the distance of time between the date of the Reference, and that of the Report. The Report was not delivered till seven days *after* its date; during which the Mails for England were closed, and the Fleet had left the Port.

2d. The Governor very readily admits that differences of opinion do not necessarily imply censure, nor fair discussion produce discord among benevolent men: Much may depend upon the manner in which those opinions may be expressed, with respect to conveying censure; and the benevolence of men's minds may sometimes be judged of by the truth and candour with which they may state and represent the Facts on which their opinions may be founded.

3d. The Governor will be very glad to receive that "zealous co-operation" which "the Committee trust he will meet with" on the part of the Members of the Council, "to keep His Majesty's sacred word inviolate, and to perform whatever in justice and honour may be required of the Executive Government:" That the honour and good faith of His Majesty's Government in this Country may be preserved and supported, (or rather restored and supported, for it has been greatly impaired in the minds of many of his faithful people) is, so far as relates to the present subject, the summit of the Governor's wishes. The Committee might have spared their fears of the liberality of Government being abused; the Governor's disposition to prevent abuses, is by no means inferior to that of the Committee.

4th. The Governor is sensible of the attentions of the Committee "in the observance of respectful usages."

5th. The extract from the Minutes of Council cited by the Governor on the 9th of July last, contains explicit and irresistible evidence, that the Applicants were *de facto* invited, encouraged, and advised, by the Executive Government, to come in and settle upon the lands they had petitioned for, without waiting for any further forms prescribed for issuing legal titles: That the then immediate object, was to procure a supply of Surveyors, is true: But the record contains the most express and incontrovertible evidence of the causes from whence the want of that supply of Surveyors arose: to wit:—The invitations and assurances that had been given by the Executive Government to the applicants, encouraging them to come on and settle; and the expectations entertained by the Executive Government, that they would so come on, upon the faith of those invitations and assurances.

How such a piece of written evidence of matter of fact, solemnly given and delivered by two Committees of the Executive Council, and solemnly and deliberately recorded by the Executive Government itself, in Council convened, should, after the people had so come on and settled, be "considered as a nullity" and "looked upon as a dead letter," quite surpasses the Governor's comprehension.

How far the Executive Government of *that* day, might have laboured "under the prevalence of a temporary mistake," the Governor does not think it decent in him, at *this* day, to inquire: But it would afford him pleasure that the Executive Government of the *present* day should not labour "under the prevalence of temporary mistakes."

6th. The Governor had perused the "plan of the ordinary progress of the business of the Land Office Department" adopted in Council (and published in the Gazette) in March 1792, cited in the present Report of the Committee; and he had observed that a part of the expense of the surveys was thereby chargeable to the Crown; which he conceived, (as do the Committee) to have been unnecessary: neither had it escaped the Governor's notice that the plan so adopted, varied from the directions contained in His Majesty's Royal instructions, in the instance of issuing the Warrants of survey previous to the Applicants taking and subscribing the required oaths and declaration, instead of directing the oaths and declaration to be taken and subscribed previous to the issuing of the Warrant of Survey.

7th. The Governor had likewise understood that upwards of an hundred and fifty Warrants of Survey for Townships, were issued, long before any Commissioners were appointed to administer the oaths and receive the declarations, mentioned in His Majesty's

instructions ; as also, that the Settlements went on very tardily, in consequence principally of the uncertainty of the Applicants with regard to the three points mentioned in report of the Committee, to wit :—

1st. The position of the lands intended to be reserved for the support of a Protestant Clergy, and for the future disposition of the Crown :

2d. The amount of the fees : and

3d. The quantity of land the Petitioners and their Associates might expect.

The first of the above mentioned points, although no doubt of very considerable weight, was however thought much less of than the *third* ; because it was naturally taken for granted, that if on the final determination of the positions of the Reservations, any part or parts thereof should fall upon any of the lots that might in the intermediate time be settled on, the Settlers would be allowed to hold them on the same terms as might be granted to future Occupants of the reserved lands.

The *Second* point was of much less moment than the other two : Those of the applicants whose views were directed *bona fide* to the actual Settlement of the land, personally, did not consider the fees to be any very material object, although uncertainty therein was doubtless unpleasant.

The *Third* of the above mentioned points was by far the most important to the applicants, it being indispensably necessary for the carrying on of a new settlement in an inland country with vigour, that the quantity of land so to be granted, should be sufficient to reimburse, to those who first engage therein, the *extra* expenses to which they must be put, in opening roads through a pathless wilderness, and in bringing forward those necessities that are essential to the formation of a new establishment : Burthens from which future settlers are exempt.

8. The Governor was also acquainted with the time which elapsed before the above points were settled, but the Committee are not quite correct in this part of their statement.

The *Third* of the above mentioned three points was determined in Council on the 17th of March, 1794, in consequence of a memorial presented to the late Governor (Lord Dorchester) by Afa Porter and Nicholas Austin, “ on behalf of themselves and other “ leading Petitioners for lands in Lower-Canada, residing in the “ States of America.”

The *First* of the above mentioned three points was finally determined on in Council on the 10th of October, 1794 ; the *second* was not determined on till the 19th of August, 1795.

The Governor had likewise observed that no Commissioners were appointed for administering the Oaths to the Applicants, and receiving their Declarations, until the month of October, 1794: But every principle of common reason and common justice, as well as every principle of honour and good faith, unite together in forbidding the Governor to admit that "the former proceedings" containing the encouragement and assurances given in the name and on the behalf of his Royal master were, (on account of any or every of these delays or defects in the conduct of his Servants) rendered "*null*:" The former proceedings can be "*null*" only with respect to those who did not evince their acceptance of the encouragement and assurances held out to them: Any person who would be guilty of such a violation of His Majesty's sacred honour and good faith, as to harbour even for a moment, within his breast, a desire that the former proceedings should be "*null*" with respect to such as had embarked their labour and property upon the faith of the encouragement and assurances so given, would ill deserve His Majesty's Royal favour or protection.

The Governor had likewise seen the advertisements from the Council-Office, of October, 1794, and January, 1795, notifying the applicants of the appointment of Commissioners for administering the Oaths, &c. and requiring them to send in Lists of their names. The Governor notices what is mentioned by the Committee with respect to the advertisement of the 17th January, 1795, having been published with a view to quicken the attention of "those who having taken possession under their warrants of survey, were contented with their occupancy, and did not seem disposed to give themselves any further trouble." If a Judgment might be formed from the trouble those applicants have taken time after time, as well before that period as since, in journeys to Quebec, in order to obtain a completion of their grants; the Governor would be induced to believe that the Committee must have laboured under a mistake, in supposing there were any such people as those they speak of. It is indeed true that there were only a few associations, (six the Governor has seen) the lists of which were received at Quebec previous to the publication of the Advertisement of the 17th January, 1795. But the delay in this respect might be very rationally accounted for, by considering the situation of a new settlement in a wilderness: The inhabitants of the new settlements might not (and probably did not) become acquainted with the advertisements of October, 1794, so early as gentlemen who reside in a Post Town might imagine: this the Governor believes to be the true reason why a greater number of the lists were not received between the dates of the advertisements of October, 1794, and January, 1795.

The Governor had also observed (conformably to what is mentioned by the Committee) that by the last of those advertisements it was directed that the applicants who had before that time obtained warrants of Survey, or orders of the Governor in Council, should give in the above mentioned lists of their names on or before the 1st day of August then ensuing, on pain of being considered to have relinquished their pretensions to the land.

9. The Governor will not conceal from the Board the surprize and astonishment he felt, at being told in the Report of the Committee "that at the expiration of this period, it appeared from the " Schedules annexed, and the returns of the Commissioners, that, " of upwards of three hundred Leaders and ten thousand proposed Associates, the number of those who had complied with the " directions did not exceed five hundred and fifty." And that the rest had " neglected to comply with the terms of the notice" and were therefore " subject to the penalties thereby announced." The Governor assures the Board that the number of applicants comprehended in the returns actually received from the Commissioners and referred by the then Governor (with the Commissioners' reports thereon) to the Committee of Council, prior to the above mentioned 1st day of August, exceeded *two thousand*; on the third day of August it exceeded *three thousand*: On the twenty-fifth day of August (which is certainly not an unreasonable length of time to be allowed for the Commissioners to make their inquiries and reports, and for the same to be received at Quebec) it exceeded *four thousand*; and many others were received and referred afterwards. More than *one third part* of the above numbers (over and above the cases of specific quantities, in which the faith of Government was considered to be pledged by the Report of the Committee of the 24th of May, 1797,) were recommended by the Commissioners as persons of good character, and approved of as such by the Committee of Council: The characters of the rest were reported to be unknown to the Commissioners; but this could certainly amount in justice, only to a temporary suspension, not to a rejection, in respect to those whose characters were so reported to be unknown.

The Governor would not however be understood to mean, that he considers all the persons mentioned in those lists to have had an intention of settling on the land, conformably to His Majesty's Royal and gracious intentions: on the contrary, he considers it to be very probable that a part of them might have been people who had only lent their names to others, for the purposes of monopoly: What proportion this part might bear to the rest, the Governor cannot undertake to say; but be this as it might, the rest could not in any possible principle of reason, or of justice, be in the remotest degree affected thereby: Their giving in the lists

of their names was all that the above mentioned advertisements required of them, and all they could do consistently with those advertisements, until further directions should be received by the Commissioners from the Council-Office, and communicated to them; then, but not till then, were any of them (not even those who had actually settled upon the land, in consequence of the former invitations of the Executive Government) allowed to testify their loyalty and attachment to His Majesty, by taking the oaths and subscribing the declaration of fidelity to his Government, although their so taking the oaths and subscribing the declaration, was a *sine qua non* of their obtaining the grants that had been so long promised them: Instances are not wanting of persons taking long-journies for that express purpose, and being refused: and yet, notwithstanding all this, they are considered by the Committee as having "neglected to comply with the terms" of the notice" and as being "subject to the penalties thereby announced."

The Governor cannot help remarking that it would redound more to His Majesty's Service, and *much* more to the honour of the Committee, if the more active Members thereof (in whom the less active must necessarily place a confidence) were more correct in their statements, and more just in their conclusions.

The Governor has the fullest reason to believe that the circumstances stated by the Committee with respect to the Settlements made on the lands by intruders, are a good deal similar in point of correctness to the statements noticed above; although he would not be understood to suppose that the new settlements in this Province were so entirely different from those in any other Province, as to be without any instances at all of that sort; these instances, however, do not come within the benefit of the Regulations lately communicated to the Board.

The Governor will not omit to return his thanks to the Committee for their declaration that the Proclamation (meaning the Proclamation of the 22d August, 1797, by which those who had gone on to the Lands without sufficient authority were directed to depart) was never intended by the Executive Council to affect the parties alluded to in the Governor's communication to the Board of the 9th of July last, who might have an equitable claim upon Government; but those only who had no such claim. The Governor feels himself the more obliged by this declaration from the Committee, collectively, not only because he was unable to deduce it from the report of the 20th June last on his re-examination thereof; but likewise, because endeavours had been heretofore made to obtain such an interpretation from some of the Members individually, which proved unsuccessful. The Governor

however, having fully shewn that the statements contained in the Report are not correct, he is of course unable to acquiesce in the opinion of the Committee, with respect to their *proof* of the *position* they had asserted.

10th. The Governor will not withhold his thanks for the declaration now made by the Committee in favour of those of the applicants "who come strictly under the description set forth in the "second Regulation and have also obeyed the notices issued by "the Executive Council: to wit. "that the Committee never "entertained a doubt but they had an equitable claim, which the "the Committee have ever been ready to confirm."

The Governor is exceedingly sorry at his happening to be unable to discover this disposition of the Committee from either of their Reports of the 24th of May, 1797, or 20th June, 1798; and at his not having happened to learn it from some of the Members individually; this disposition being, however, now declared by the Committee collectively, the Governor would willingly conceive that the misconceptions which have taken place, may have arisen principally, from the circumstance of its having been supposed by the Committee, that the numbers that had obeyed those notices, were infinitely short of what they really are, as pointed out above: And it would appear to the Governor, from this declaration, that there can no longer remain in the breasts of the Committee, any rational cause of hesitation or further delay, with respect to the propriety of proceeding to carry His Majesty's gracious intentions, contained in the Regulations laid before the Board on the 11th of June last, into execution.

Those of the Settlers who do not, on the clearest principles of reason and of justice, come within the class which the Committee have thus declared in favour of, are so few in number, that no material difficulty can arise therefrom, unless Gentlemen should be disposed to create difficulties where none in reality exist. The Governor has already observed that obtrusive Settlers (by which he means such as are neither connected with any known and acknowledged Association, nor have any order of the Governor in Council in favour of themselves) individually, do not come within the regulations; so that the difficulty which the Committee represent themselves to labour under, with respect to knowing whether such settlers "are to partake or be excluded from the benefit of the regulations," is removed.

11th. The Governor likewise returns his thanks for the acknowledgment made by the Committee, respecting his explanation of that part of the regulations which allows those who are

feated on lots reserved, to hold them on the same terms as may hereafter be granted to other occupants of reserved Lots: to wit, "That the Committee are ready to admit that it may apply to the small number of Townships alluded to," which must of course mean those that were begun to be settled prior to the final determination of the position of the reservations in October, 1794. This "small number of Townships" is, however, almost the whole that have at this day any considerable Settlements on them. So few are the instances of Townships having any considerable settlements, that have been begun to be settled since that time, that "the question with the Committee, whether it applies to the remaining Townships?" will be better solved when the terms and regulations for disposing of the reserved lots to occupants shall be received.—Till then nothing further can be done with respect to the lands reserved, except merely to designate them in the Patents, as the law requires.

12th. The extent of the pretensions comprehended in the regulations, is so clearly described in the regulations themselves, that no compilations from other documents could render it more clear, for any purpose appertaining to the immediate question in reference; The purchases of pretensions as connected with the second, third and fourth articles of the regulations, are those only where the Purchasers, or those they purchased from, have evinced their sincerity by embarking their labour and property, either in the actual settlement and cultivation of the land, or in surveying or exploring preparatory thereto. The compilations desired by the Committee could throw no light on the question relative to their extent; nor indeed was that question connected with the question in reference. The Governor could by no means consider it to be consistent with his duty, to refer to the consideration of the Committee, whether it might, or might not be proper, that the commands of his Royal Master should be obeyed; he referred only, for the consideration of the Committee, the most ready steps for yielding obedience to those commands. The compilations desired by the Committee, could have no connection with the question referred; however useful they might hereafter become, for facilitating the examination of what might be stated by the respective applicants. It will naturally be observed from this remark, that the "concern" which the Committee mention to have felt for the "familiar use made of his (the Governor's) name," in this respect, might have been spared.

It is moreover conceived that the Committee stepped somewhat out of their Province in issuing orders without being thereunto authorized by the Governor.

Had the Committee really found themselves in want of docu-

over part of their Report, they were pleased to term an "observance of respectful usages," if they had represented the same, instead of undertaking to *issue orders* which could not fail to interrupt the necessary business then on hand for the Governor.

13th. If the quantity of ungranted land on the south side of the St. Lawrence were really what the Committee state it to have been estimated at, to wit, 20,700,000 acres; the fulfilment of all claims and pretensions in that quarter (over and above the orders of the Governor in Council for specific quantities of land to particular individuals) comprehended in His Majesty's gracious regulations communicated to the Board on the 11th of June last, if carried into immediate execution, would not in all probability (although it is not indeed possible to speak with absolute certainty) require so much as the *one twentieth* part thereof to be granted on the old Fees; In all probability therefore, more than *nineteen twentieth* parts thereof would be applicable, as a source of revenue, to the defraying of the public expenses of the Province. The Governor may likewise observe, that the labour and expense which has (in consequence of the encouragement heretofore given by the Executive Government) been laid out by the applicants, upon the parts so to be granted for the fulfilment of His Majesty's above mentioned gracious intentions, have rendered the value of the remainder, many times greater than the value of the *whole* would have been, if that labour and expense had not been so laid out. The Governor must therefore be unable to agree with the Committee in apprehending "that the unclaimed residue" would not afford a very productive source of revenue to answer "His Majesty's gracious purposes."

In regard however, to the quantity of land mentioned, (20,700,000 acres), the Governor had long understood, or else he misunderstood, that some (if not the whole) of the Members of the Board were so fully acquainted with the incorrectness of the old Maps, on which that estimate was founded, as to be entirely convinced that the estimate had been formed "under the prevalence of a temporary mistake," of such magnitude, that no man possessing actual knowledge of the subject, whereby to be entitled to any regard therein, could at this day consider such estimate to contain "matters of fact" which any one would deem it "necessary His Majesty's Ministers should be apprized of," unless it should be for some purpose altogether different from that of giving them real information with respect to the true state of the case. The truth is, that although the interior Geography of the Province, has within the last five or six years been much better known, it would have been more consistent with what, in a for-

understood than before, yet, even at this day, no estimate to be in any tolerable degree depended on, could be formed, without first ascertaining (what we have hitherto very little knowledge of) the situation of the heighth of land, which divides this Province from the Governments of New-Brunswick and New-Hampshire; till then, all estimate in that quarter must be mere random guesses.

Were the quantity of ungranted land, fit for cultivation, on the south side of the River St. Lawrence, equal only to the *one half* of the quantity stated in the above-mentioned estimate, the residue after the fulfilment of all the claims and pretensions comprehended in the regulations lately communicated to the Board, would afford a very important source of revenue towards answering His Majesty's gracious purposes.

14th. If there should be any actual difficulty in adjudging of the purchases of any of the pretensions that come within the Regulations, it can only be in some of those old cases, where the orders of Government in favour of the Applicants were passed ten or fifteen years ago; and where the parties who were thereby originally entitled to the Grants, may be dead, or removed from the Province: If such investigations should be too laborious for the Members of the Council, Commissioners might be easily appointed for that purpose; for it is certainly high time that the people should have legal titles to the lands that have been so long solemnly promised in His Majesty's sacred name, as Rewards for the loyalty and services of the original Donees.

The claims and pretensions under the proceedings of the Executive Government relative to associated companies, are limited by the Regulations, as has been observed before, to those cases where the applicants, or those they purchased from, shall have actually embarked their labour and property in the settlement and cultivation of the lands or in surveying or exploring preparatory thereto: The Governor cannot admit that there can be any possible difficulty in ascertaining the Facts, in regard to those who have actually so done; and none other come within the regulations.

If, in any of these cases, the parties should be found not to have had "a physical existence," the Governor's surprise would be greater than what he has already felt at reading the report of the Committee. No real difficulties can arise in the business of carrying His Majesty's gracious regulations into effect, considered in itself; the only real difficulties that can take place therein; must arise, not from any thing in the business itself, but from the endeavours that may be made to find out visionary pretexts whereon to build imaginary difficulties.

By carrying the Regulations into immediate execution, that "deluge of iniquity" as the Committee express it, in the traffic of pretensions, will be at once put an end to: A further, and (the Governor may add) an infinitely greater deluge of iniquity, fraught with the most dangerous consequences to the tranquility of the Province, as well as repugnant to the sacred honour, dignity, and good faith of His Majesty, namely, the endeavours of one set of people to obtain grants of the Townships which another set of people have (in consequence of the encouragement heretofore given them by the Executive Government for that purpose) transformed from a wilderness into a state of habitation, would likewise be put an end to by the same stroke: But the longer the issuing of the legal titles shall be procrastinated, the more may these "deluges of iniquity" be expected to increase. When the Governor considers the repeated public invitations that have been given by the Executive Government since the conclusion of the American war, for people to come into this Province to settle on the waste lands; when he likewise considers that many hundreds of families embraced those invitations, and, that the system of practice adopted and pursued by the Executive Government, was such, that although the people were thereby authorized and encouraged to enter into immediate possession, yet, until the year 1796, there was not one single instance of a legal title being issued, notwithstanding their continued applications to obtain regular grants; when the Governor considers these things, he cannot but feel astonished at the manner in which the Committee (several of whom were Members of the Executive Council during the whole time) now express themselves, with respect to "loose notions of property" which tend "to confound possession with right:" nor can the Governor's astonishment fail to be increased, when he considers that in the midst of their disapprobation of those "loose notions of property" which so tend "to confound possession with right" (and which were *de facto* created by the practice adopted and pursued by the Executive Government itself) the Committee should still remain desirous that the issuing of legal titles, the only possible remedy which the nature of the case can admit of, should be still longer procrastinated, whereby those very evils which they so emphatically complain of, must of necessity be prolonged and increased.

15th. The Governor cannot but be sorry that any passage contained in his late communication to the Board should have given cause of disquietude to the Committee, or reduced them to any embarrassment. The passage to which the Committee allude must be that in which, speaking of obtrusive Settlers coming in "to make their pitches" as they term it, and as noticed by the Com-

mittee in their Report of the 20th June last, the Governor happened to mention that "from the operation of certain causes" which he did not think it necessary to explain, he considered that there was "more reason to apprehend instances of that sort of late than formerly;" as also "that were those cases to be laid fully open, many of the people whom there was reason to expect might undertake long journies upon that errand, would be found to merit commiseration not reproach.

The pain which the Governor feels at having by this passage, given the Committee any cause of disquietude, will induce him to make all the atonement that may be in his power, consistently with the avoidance of all future causes of disquietude that might at any time hereafter be given to any individuals. And he will accordingly enter so far into an explanation of the above quoted passage, as he shall consider to be necessary for removing all just cause of disquietude under which the Committee may labour, and for shewing the reasonableness of the opinions therein laid down: But he will by no means (at least for the present) go so far into an explanation thereof as to enable any person or persons that might be disposed, to wound the feelings of any other person or persons, by saying that such or such particular individuals, were in this, that, or the other degree, concerned in the transactions or connected therewith. The Governor's sole object is to prevent as far as may be possible, any kind of injury or oppression from being carried into effect; and he would wish, if it might be practicable, that this object should be accomplished without injuring the feelings of even those persons that might be desirous of enjoying the fruits of the labour of others, who would in such an event have cause to complain of being injured and oppressed.

The circumstances to which the Governor alluded in the passage above quoted, were these: In the years 1794 and 1795, (after the waste Lands had become of some value from the labour and expense that had been laid out in the settlement of sundry of the new Townships, in pursuance of the encouragement and assurances given to the applicants by the Executive Government, in 1792 and 1793), views were contemplated by different persons, sundry of whom had till then considered the land not to be an object worth their attention, for the purpose of obtaining monopolies thereof, entirely contrary to the spirit and intention of his Majesty's Royal instructions in that behalf. These views were not confined to lands that had till then remained unapplied for, or to Townships where doubts might be entertained in regard to the sincerity of the intentions of the former applicants with respect to the settlement and cultivation thereof conformably to His Majes-

ty's gracious intentions: Had they stopped here, the business might, not improbably, have been carried into effect without being much noticed: But they did not stop here: The views were extended likewise to townships in regard to which no such doubts could be reasonably entertained: And still further: They extended even to the obtaining, or endeavouring at least to obtain, those very townships, one or two only excepted, which the former applicants (in pursuance of the advice, encouragement, and assurances, given them by the Executive Government) had actually settled on, and by great labour and expense rendered valuable: nor did the circumstance of the former applicants obeying the notices issued from the Council Office in October 1794, and January, 1795, nor the circumstance of their being thereupon approved of by the Commissioners, and by the Council, prevent further steps from being taken upon the above mentioned views of monopoly, for the purpose of obtaining grants thereof to the behoof of other persons. This, if carried into effect, would not only be a most grievous and intolerable oppression with regard to the former applicants, accompanied with a great violation of His Majesty's sacred honour and good faith, but would likewise be fraught with the most dangerous consequences to the peace and tranquility of His Majesty's Government.

But to come immediately to the point particularly alluded to in the above quoted passage of the Governor's communication to the Board on the 9th of July last; persons were employed on the part of those who were concerned in the above mentioned plans of intended monopoly, to go into different parts, in this Province and the neighbouring States, to find people (to the amount of some thousands) who would lend their names as nominal Grantees, and who might be depended on for the purpose of conveying over the land, or the greater part thereof, when granted, to the persons concerned in the above mentioned plans. The persons thus employed (owing perhaps to some imperfections in their instructions, or to their not perfectly comprehending the nature and intention of their mission) gave to those with whom they so engaged, certificates, importing that the Bearers thereof were entitled to certain quantities of land in the new Townships in Lower-Canada: Many thousands of these certificates were given; and such were the credentials with which the persons so employed were vested, that the certificates were looked upon by great numbers of well disposed people to be little inferior to Patents under the Great Seal: Many of His Majesty's faithful old subjects who had remained in the states after the end of the American War, and retained their affections to their ancient Sovereign, under whose al-

legiance they were born, conceiving (from the Credentials which the persons so employed bore) that there could not be any deception, hesitated not to purchase, for valuable considerations, from others who from time to time changed their minds with respect to coming in to settle, a number of these certificates as provisions for their children, whom they intended should fix themselves in this Province, under the Government of their ancestors; some of these certificates were so purchased at the rate of a quarter of a dollar an acre; the Governor himself has seen the copy of one which he believes was purchased at that very price. But although many of these Certificates were thus purchased by faithful old subjects of His Majesty, with pure intentions of settling on the lands conformably to His Majesty's Royal instructions in that behalf, yet, it may reasonably be expected that many likewise were purchased by people of a different description, on principles of mere speculation.

These circumstances, the Governor hopes, will be sufficient to satisfy the Board, that he had sufficient reason for entertaining the opinion, that there was greater cause "to apprehend the coming in of people to make their pitches as they term it, of late, than formerly;" and the Governor cannot but conceive that this circumstance ought to operate as an additional and very weighty reason, for proceeding to carry His Majesty's gracious regulations lately laid before the Board into execution, in the cases to which they actually apply, with as much expedition as may be practicable; in order to avoid that mixture of extraneous cases, which, from the above mentioned causes, might, not improbably, take place, if the business should be longer delayed. The Governor likewise conceives that the above mentioned circumstances will equally evince to the Board, the reasonableness of his further opinion, that "many of the people whom there was reason to expect might undertake long journies upon that errand, would be found to merit commiseration, not reproach." Those who, with upright intentions, had given valuable considerations for the above mentioned Certificates, upon the faith of the credentials which the persons who were employed in the business bore, and had thereby lost the property which during an upright life of labour and care they had gathered together, would certainly be entitled to commiseration from every feeling breast.

The Governor notices what the Committee mention respecting his having, in their idea, followed the advice of some person or persons unnamed, in regard to the mentioning of the above opinions, in his late communication to the Board; The Governor

cannot conceive himself to have given any just cause for that idea of the Committee, and he would wish the Committee to understand, and to believe, that he is not disposed to follow the unjust advice of any person or persons whatever.

16. The Governor cannot easily conceive what "more ample and specific information," the Committee would wish for on the present subject, beyond what he has laid before them. The Governor has laid before them His Majesty's instruction under His Royal Signet and Sign Manual, directing that the fees are in future to be such as His Majesty shall be from time to time pleased to establish, either "under his Royal Signet and Sign Manual," or by his "order in that behalf, signified by one of his principal Secretaries of State." It was His Majesty's pleasure to signify his orders in that behalf by one of his principal Secretaries of State, according to the latter part of his Royal instruction; and the Governor has accordingly extracted from the Dispatches he has received, such parts as relate to the subject, and laid the same before the Board: These designate the amount of the different fees to be taken, together likewise with the different proportions of land to be granted upon the payment of those different fees, in the several and respective cases in which they are directed to be applied. The Governor really cannot see what more the Committee can desire; for he cannot allow himself to suppose that any Member of the Board would think it consistent with his (the Governor's) duty, to lay his Dispatches at large upon the table: The Governor alone is responsible for the justness of the extracts he takes from them, whether on this or on any other subject.

The Committee express "their regret that among the repeated "enquiries" which the Governor made, "it was not thought necessary to demand any opinion on the subject from a particular "Body," meaning the "Executive Council." Did not the Governor request the opinion of the "Executive Council," and did he not receive their Report on the subject? The Minutes of the Board of the 7th of June, 1797, will shew that he did. That Report of the Council gave general dissatisfaction and uneasiness. The Governor likewise, by the advice of the Council, issued soon afterwards (22d of August, 1797,) a Proclamation, which turned that general dissatisfaction and uneasiness which had been excited by the above mentioned Report, into a cause of alarm, in the minds of many of His Majesty's faithful people. It became from thence, a duty, on the part of the Governor, to examine more strictly into the nature of the business himself personally; and as these examinations did not require the assistance of the Council, (in as much

as the Governor had then already been favoured with the result of their deliberations,) he forbore to trouble them unnecessarily. The statements and conclusions contained in the Report which the Governor had then already received, sufficiently evinced, on the re-examination thereof, that "any disquietude which might have arisen from the conflict of discordant sentiments," on that subject, was not likely to be relieved by giving unnecessary trouble.

17th. The Committee admit as a fact, that it was generally inferred from the above mentioned Report, that Government (meaning the Government of Lower-Canada,) "did not mean to attend to the equitable Claims of Individuals :". This inference is now called by the Committee "An error which was almost universally prevalent" and they would seem to consider it as a proof "that men of eager minds when warped by interest, are as liable to fall into mistake, as those of confused intellect." The Governor cannot readily discern the connection between the *Antecedent* in this instance, and the *consequent* drawn by the Committee. The real truth is, that it was not conceivable from that Report, that there could be any body, except the small number therein described, that had *any* "equitable claims :". Such was the general (it may be said the universal) interpretation given to that Report : It was not the interpretation of People only who might in possibility be supposed to be "warped by interest," or if those who could be considered "of confused intellect :". It was equally the interpretation given to it by People who had no interest or connection in the business, as by those who had ; It was equally the interpretation given to it by Gentlemen who where never within several thousand miles of this Country, as of those who were immediately on the spot : Nay, it was 'till very lately the avowed interpretation of some whom the Governor will decline naming : And, little as the Committee may appear to apprehend, with respect to His Majesty's Honour and Dignity being injured ; the fact is, that from the manner in which the Land business has been conducted, the faith of His Majesty's Government in Lower Canada, has long been equally proverbial with the *Punic Faith* of ancient story. It is high time that His Majesty's sacred Honour and Good faith should be rescued from such a Stigma.

18th. There is little reason to apprehend that any of the well disposed Applicants who have not proceeded to the Settlement of the Lands they petitioned for, will consider themselves aggrieved on account of its being His Majesty's gracious pleasure that a greater proportion of the respective Townships should be granted on the *Old fees* to those who did proceed to the Settlement,

than to themselves; They well know that the Lands which they applied for are become increased in value, in consequence of the Settlements that have been made in the other Townships, infinitely beyond the amount of the additional fees to which they are subject by the late Regulations: and although it would have afforded the Governor great pleasure, to have been able to put the really sincere Applicants, who had been *bonâ fide*, waiting for their Grants in order to go on faithfully with the Settlement, upon the same footing with those who had actually gone on therewith upon the faith of the encouragement and assurances that were given them; yet, he has the pleasure to inform the Board, that he has received full assurances, that the Regulations give general satisfaction in that respect; and that the endeavours that have been tried, in order to excite jealousies among the different classes of Applicants, on account of the just and reasonable distinctions which His Majesty was graciously pleased to make, have had no other effect than that of increasing the public disesteem towards those who were desirous of exciting those jealousies. Some of the Applicants who fall under the third Article of the Regulations lately communicated to the Board, have already petitioned the Governor for the Grants of the Townships they have surveyed preparatory to the Settlements, the *one half* thereof upon the *Old fees* and the *other half* upon the new fees conformably to the Tenor of that article; so that the apprehensions of the Committee with respect to the dissatisfaction of that class of the Applicants, are without foundation. But even were any of those Applicants dissatisfied in the manner the Committee would have it supposed, such circumstance could certainly furnish no kind of reason, why so much as shall, by the Regulations, be grantable upon the *old fees* should not be immediately granted to those who have been so long waiting in a state of direful suspense and insecurity. Neither could it furnish any kind of reason for further delay with respect to granting such further parts as shall by His Majesty's gracious Regulations, lately communicated to the Board, be grantable on the *new fees* to those of the Applicants who are satisfied therewith, and who would rather pay those *Additional fees* whereby to go on in security with the Settlement immediately, than wait longer in uncertainty and suspense; which is in fact the case with all those of the Applicants falling under the third and fourth Articles of the Regulations, whose views are really directed to the actual settlement and cultivation of the Lands they petitioned for, conformably to the gracious intentions of His Majesty, as laid down in His Royal Instructions. The payment of the *additional fees*, being optional with the Applicants, can neither be oppressive nor injurious to any; but delay must in-

fallibly be not only Injurious and oppressive, but even ruinous, to those of the Applicants who have disposed of their property elsewhere, preparatory to their settling in conformity to His Majesty's gracious intentions, on the Lands heretofore promised them in this Province.

Those of the Applicants who are not farmers by profession, and have little or no intention to put themselves to any trouble or expense towards the Settlement and Cultivation of the Lands they petitioned for, might not (and probably would not) be injured by any delays the Committee might wish for : But to those of them who are farmers by profession, and who have prepared themselves for the immediate Settlement of the Land conformably to His Majesty's Intentions, *delay* and *ruin* must be terms nearly synonymous.

The Governor cannot but remark the disapprobation which the Committee express in regard to the *Terms* in which His Majesty's Royal and gracious intentions respecting the Granting of the Lands are conveyed ; nameiy the terms "*actual and effectual Settlement*" of the Lands so to be granted : nor can the Governor fail to remark the difference between the ideas which the Committee entertained on that head in the years 1792 and 1793, and those which they have of late entertained.

In the years 1792 and 1793, the Applicants from the late Colonies (exclusive of those who might be denominated mere Speculators, and who had no view to the actual Settlement of the Lands) were represented to be, what would seem unquestionably natural, composed in a very considerable measure of two classes of People, which in all Revolutions of Government, ever were, and ever will be, numerous and respectable ; The *first* consisting of people whose hearts and affections were always attached to their former Sovereign ; and the *second* consisting of people who having departed for a time from their former allegiance, became afterwards induced by a little experience to consider their former situation preferable to their new one, and were therefore desirous of returning to it again. These (while the Lands were considered to be of no value) were represented by the Committee as skilful and industrious farmers, who would be as it were a gold mine to the Province, and who merited every encouragement that could be given them to come in and settle : But when in consequence of that encouragement they had so come in and settled, and when by the exertions of their "skill and industry" they had rendered the Land somewhat valuable, their characters, it would seem in the opinion of the Committee, had become so entirely changed, as to amount to a transformation of them from "skilful and industrious farmers," meriting every encouragement to come in and settle,

into a "lawless and obtrusive race" meriting only to be driven out as it were with a scourge. This want of consistency cannot but be exceedingly unpleasant. If however, the Committee now mean only to express their disapprobation of that system of irregularity in business, so long pursued in this Province, by which the Settlements were carried on without any legal titles being issued for the Land, the Governor's ideas and those of the Committee will so far coincide: But, after the encouragement that has been given to the Applicants by the Executive Government of this Province under that system, nothing can now put an end to that irregularity excepting only the issuing of the legal titles, in conformity to His Majesty's gracious Regulations, to those who have embarked their labour and property therein.

The Governor observes what the Committee mentioned in regard to "pledging themselves to a due observance of the spirit of the Regulations" hereafter: But it ought to be observed that in the mean time Ruin stares many of the faithful Applicants in the face: Besides, what security could there be, after what we have already seen, that such a pledge might not be hereafter "considered as a nullity and looked upon as a dead letter?" It would tend infinitely more to the restoration of the Honour, the Dignity, and the good faith, of His Majesty's Government in this Country, that the old promises should be fulfilled, than that new pledges should be given, which could in no degree be more depended on than those that were given before. The Governor would not however have the smallest objection against "substituting other terms" for *effectual Settlement* in the form of the Regulation to be made public; provided only that the sense be the same as that contained in the Regulations he has received by order of His Royal Master, and lately communicated to the Board.

It has been before observed that the *fifth* article of the Regulations (as being connected with the *second*, *third* and *fourth* articles) is already confined to those cases where labour or Property has been actually embarked by the parties, either in the actual Settlement and Cultivation of the Lands, or in surveying or exploring preparatory thereto: This, His Majesty is graciously pleased to consider as a Proof of the sincerity of the intentions of the parties to proceed in the business conformably to the intent and meaning of His Royal Instructions, so far as to entitle them, in His Royal Benevolence, to Grants, in the respective degrees specified in the Regulations: This *fifth* article therefore, can admit of no temperament that shall confine it within narrower limits (which must evidently be the temperament alluded to by the Committee) without bereaving the People of their Property so embarked.

This, the Governor can by no means think just, and even could he bring himself to propose such a thing, he does not believe that it could produce any other effect, than that of rendering him, in the eyes of his upright, just, and Royal Master, less worthy of the situation with which His Majesty has been graciously pleased to honour him, than His Majesty had before supposed.

19th. The Governor has already informed the Board that the whole subject has been submitted to the consideration of His Majesty and his Ministers, and the decision has been communicated to the Board ; Neither have any actual facts, nor any new lights deduced from actual facts, beyond what have been already submitted, been either stated by the Committee, or received from any other quarter, that could justify the Governor in requesting a reconsideration of that decision ; more especially as the Committee, in their Report of the 20th of June last, so unhesitatingly declare that they consider it " to be sufficiently liberal," and as the parties concerned (those of them meaning that have seen the Regulations) are gratefully satisfied therewith ; so much so at least, that the Governor has heard of no instance where the parties would not infinitely rather pay the additional fees for the support of Government, than wait longer in ruinous uncertainty and suspense : If there should be any instances of that sort, the parties might certainly be left to their own option in that respect.

If the Board do not think proper to advise any other mode for making the Regulations more speedily and generally known to the Parties concerned, the Parties may probably content themselves with that mode which His Majesty has commanded, by having recourse to Public Records where his Majesty has graciously directed His Instructions to be entered for their information and satisfaction.

20th. The 38th Article of His Majesty's General Instructions, requires in addition to any other notification by Proclamation or otherwise " that all Instructions from His Majesty relative to the passing Grants of " Lands in conformity to the Act passed in the thirty first year of His " Reign, be entered upon record for the Information and Satisfaction of " all Parties whatever that may be concerned therein."

The Regulations received through His Majesty's Secretary of State in conformity to His Majesty's special Instruction of the 15th of August 1797, communicated to the Board on the 11th of June last, are certainly of the most essential concern, to the parties therein interested. It would therefore be disobedience in the extreme, were they not entered upon record for their information and satisfaction. Moreover, were the parties not to have free access to the records with regard to the Proceedings that might be from time to time had, in pursuance of His Majesty's Royal instructions, their having free access to the Record of the Instructions, considered by itself, could be of no possible use to them. His Majesty's gracious commands in that respect would in such case be rendered a mere nullity.

The Governor is exceedingly sorry at finding the opinions of the Committee so very different from those entertained by himself : From the manner in which the Committee seem to consider things, it may not perhaps be improper to inform them that it is the Governor's duty to communicate to the Council certain parts of his Instructions, together with such of certain other parts as he may from time to time find convenient for His Majesty's Service to be imparted : Of this the Governor must be the judge : The Governor must be in this respect his own Interpreter of the Instructions he receives from His Royal Master : The Governor could not (as he has observed already) consider it to be consistent with



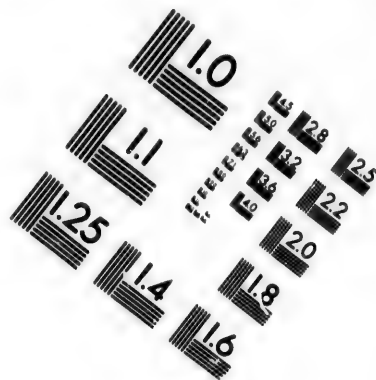
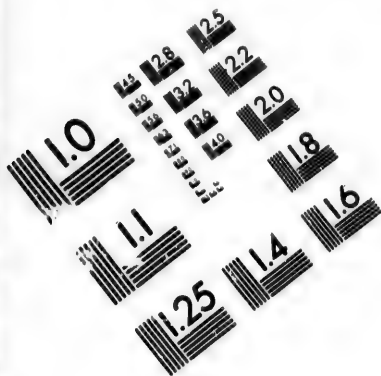
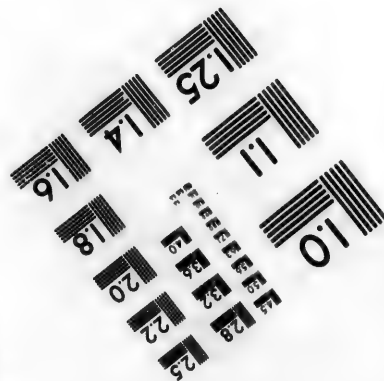
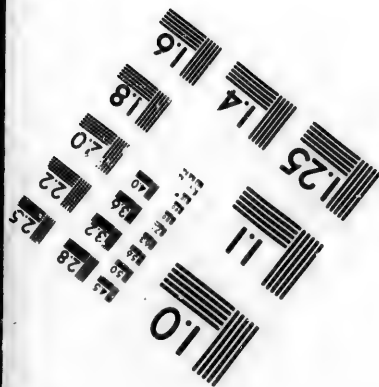
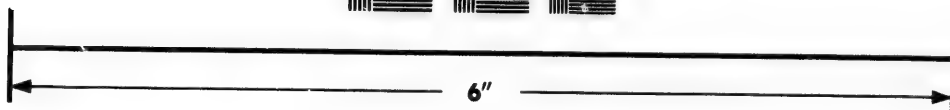
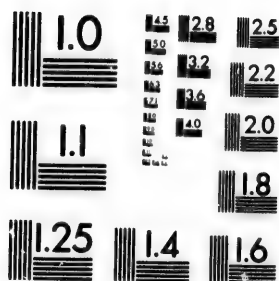


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his duty, to refer to the consideration of the Committee, whether it was proper that the Commands of His Royal Master should be obeyed : He referred only, for the consideration of the Committee, what might be the most ready and satisfactory steps to be taken, for rendering obedience to those commands : If the Committee, either by extending into matters which the Governor may not consider it consistent with his Duty to refer, or by taking positions different from the actual facts, shall thereupon build advice which the Governor may not consider to be consistent with his duty to follow ; And the Committee after being so informed, shall claim to have that advice entered upon public Record ; the Governor can by no means consider himself blameable, if in any such instances they should become lessened in the public esteem ; however sorry he may be (and sorry he really is) that it should so happen.

Whatever justification the Governor's conduct might in general receive, from its being founded on the advice of the Council ; it could receive no degree of justification therefrom, in cases where, from the Governor's own knowledge of the actual state of facts, he should find that advice to be founded on a mistake. It is the Governor's duty to examine, as far as he may be able, into the actual state of facts upon which the advice he receives may be founded : Were it his duty (as the Committee would seem to imply) to follow the advice of the Council without any consideration on his own part, the Governor would be merely a *Man of Straw* : This, he would wish the Committee to believe, is by no means the case.

The Governor cannot suppose it possible that the Committee could really believe, that the Statements made in the report now on the Table in support of the position on which the report of the 20th of June last was founded, could contribute in any the smallest degree towards supporting that position : The Statements likewise made by the Committee in regard to the number of Applicants comprehended in the returns of the Commissioners, in pursuance of the notification from the Council-Office of the 17th of January 1795 : their Statement of the quantity of ungranted Land on the South side of the River St. Lawrence, and many other parts of the report now on the Table, do not seem to tally so exactly with that attention and regard which the Committee are pleased to express for the honour and interest of His Majesty's Government, and that zeal they are pleased to express for the Credit of the Governor's administration, as might be wished. However justifiable such statements might from custom be considered, when made by professional Gentlemen in support of a bad cause between parties at Law, they do not seem to be altogether so, from a Committee of His Majesty's Council, whose duty it is to advise the Governor according to the best of their abilities, for the Interest and Honour of His Majesty's Government. If the Committee did not really know before hand how the truth in those cases actually stood, they had not the smallest occasion to mention them, as they did not appertain to the point in question : If the Committee felt disposed to say any thing thereon for the purpose of giving the Governor real information, any one of the Members might, in a very few minutes, have satisfied himself so far, as to be sufficiently convinced that those Statements were entirely erroneous.

The Committee complain that no Governor of this Province had heretofore paid so little regard to the advice of the Council, as was paid to the Report of the Committee of the 20th June last : This the Governor conceives may be very true ; but the Governor believes it to be equally true, that no Council ever before built their advice upon so great an error in regard to actual facts : These circumstances therefore balance one another.

Any disesteem which the Committee may labour under on that account is yet retrievable : and the Governor would willingly hope that it might be retrieved : It would be retrieved at once, by acknowledging (what every body knows to be the truth) that the Report of the 20th of June last was founded on a mistake ; and by giving a cheerful assistance in carrying His Majesty's gracious regulations into execution.

It is infinitely more honourable in every station of life to acknowledge an Error (all Men being at times liable thereto) than to endeavour to defend it ; should the Governor at any time fall into a similar error, he would only desire the same means of retrieving it. If the Committee shall chuse to do this, all will yet be well ; But if on the contrary, they shall persist in endeavouring to support one error by running into another, the Governor will not consider himself blameable for any disesteem to which they may thereby be reduced ; nor will he in that case hold himself answerable that such Errors may not become exposed to the World.

(Signed)

R. P.

The Governor informs the Board that he received an Address from the Committee, containing a Complaint against Mr. Cary, acting Clerk of the Council, conformably to the Journal annexed to the Report. And that Mr. Cary had expressed his readiness to make an Apology on the occasion to the following effect. To Wit. " That the offensive parts " of the Letter complained of, were occasioned entirely by the uncommon degree of trouble and difficulty that was (unnecessarily as he conceived) thrown upon him ; which greatly interrupted the necessary business then on hand for the Governor ; and that he (Mr. Cary) was " sorry that the offensive parts were inserted."

Under all the Circumstances of the case, the Governor is of Opinion that this Apology should be accepted as sufficient.

And the Governor would willingly hope that on a review of the whole business, all disagreements that have hitherto taken place may be done away, and Unanimity and Concord in future prevail, both between the Governor and Council, and all others concerned.

(Signed)

R. P.

A true Extract,

(Signed)

THOMAS CARY.

A. C. Ex. C.

(F.)

Province of Lower-Canada, }
 District of _____

On the _____ day of _____ in the Year of our Lord Christ _____ personally came and appeared before us M. N. and P. Q. Public Notaries, duly admitted and Sworn as such for the Province of Lower Canada, residing in _____ in the said Province, A. B. of _____ and C. D. of _____ who, in the presence of us the said Notaries, did and do hereby admit, acknowledge and declare, as follows, that is to say, that the said A. B. had, at great expense and trouble, obtained a Warrant of Survey for himself and his associates of a certain Tract of Land in the said Province, now commonly called and known by the name of Z. and is still liable and subject to the payment of considerable sums of money for the Survey and subdivision of the said Tract of Land, and for Fees of Office, to be paid previous to the obtaining of Letters Patent for erecting the said Tract of Land into a Township, and granting the same to him the said A. B. and his associates ; That it had been agreed by and between them the said A. B. and C. D. that the said A. B. should, on his part, at his own proper cost and charge, obtain the said Letters Patent, and also cause to be inserted therein, as one of the Grantees, the said C. D. and that, in consequence of the said premises, the said C. D. on his part, upon being inserted in the said Letters Patent, as one of the Grantees of the Land thereby granted, after the issuing of the said Letters Patent, and upon the first demand of the said A. B. should convey unto the said A. B. and his Heirs, all and singular the Lot and Lots, Parcel and Parcels of Land, which shall be granted unto him the said C. D. by the said Letters Patent, save and except one Lot of the contents of two hundred Acres, to be chosen and selected by him the said C. D. out of and from among the several Lots and Parcels of Land, which shall be so as aforesaid to him granted ; which Lot so chosen and selected shall be and remain the proper Estate of him, the said C. D. his Heirs and Assigns for ever.

And in order to carry into effect their several agreements above mentioned, the said A. B. and C. D. in the presence of us the said Notaries, did, and hereby do covenant, promise, and agree to and with each other, in manner following, that is to say, the said A. B. on his part, for himself, his Heirs, Executors, Curators, Administrators and Assigns did and hereby doth covenant, promise and agree to and with the said C. D. his Heirs, Executors, Curators, Administrators and Assigns, that he will at his own proper cost and charge sue out and obtain Letters Patent, erecting the abovementioned Tract of Land into a Township ; and will cause to be inserted therein the name of the said C. D. as one of the Grantees of the said Tract of Land, for a certain portion thereof, not less than two hundred acres.

And the said C. D. on his part, in consideration of the trouble and expense already sustained by the said A. B. in and about the abovementioned Tract of Land, and also in consideration of the aforesaid Covenant and Agreement so as aforesaid made and entered into by the said A. B. for himself, his Heirs, Executors, Curators, Administrators and Assigns, did, and hereby doth covenant, promise and agree to and with the said A. B. his Heirs, Executors, Curators, Administrators and Assigns that, after the said Letters Patent shall have issued (if he the said C. D. be included therein as a Grantee for any quantity of Land exceeding two hundred acres) he the said C. D. will upon the first demand made unto him by the said A. B. by good and sufficient conveyances in Law, convey and assure unto the said A. B. and his Heirs, or unto such Person as he the said A. B. shall appoint, all and singular the Lot and Lots, Parcel and Parcels of Land, which shall be granted unto him by the said Letters Patent save and except one Lot of two hundred acres, which he the said C. D. his Heirs, Executors, Curators, Administrators or Assigns, on such demand of the said A. B. will forthwith choose and select and which Lot so chosen and selected, it was by the said Parties, in the presence of us the said Notaries, and hereby is agreed, shall be and remain the proper Estate of him the said C. D. his Heirs and Assigns for ever.

And, for the due performance of the Covenants, Promises, and agreements above mentioned, and every of them, the said A. B. and C. D. for themselves respectively, and for their and each of their Heirs, Executors, Curators, Administrators and Assigns, respectively, in the presence of us the said Notaries, did, and do hereby further covenant, promise and agree to and with each other, that if either of them the said A. B. or C. D. or either of their Heirs, Executors, Curators, Administrators or Assigns shall make default in any manner or way in performing the above mentioned Covenants by them, or either of them respectively to be performed, the Party, his Heirs, Executors, Curators, Administrators or Assigns, so making default, shall forfeit and pay unto the other, his Heirs, Executors, Curators, Administrators or Assigns, the sum of _____ current money of the said Province of Lower-Canada; which said sum of _____ in the presence of us the said Notaries, the said A. B. and C. D. did, and do hereby declare, is not by them meant or intended to be *Comminatory*, but is by them meant and intended to be an "*obligation alternative*," to be recovered against and paid by the Party making such default, as aforesaid, to the other, wholly and entirely without any deduction whatever. And therefore, in the presence of us the said Notaries, the said Parties to these Presents lastly did, and hereby do severally and respectively, each to the other, bind and oblige themselves, their Heirs, Executors, Curators, Administrators and Assigns, severally and respectively, in case of such default, as aforesaid, to the payment of the said sum of _____ in manner aforesaid, wholly and entirely without any deduction whatever; And for securing such payment did, and do hereby severally and respectively bind, mortgage and hypothecate all and every their Property and Estates, real and personal, moveable and immoveable, acquired and to be acquired.

And for the execution of these Presents, the said Parties thereto, have respectively made election of their domicile at the Office of M. N. one of the subscribing Notaries, in the City of _____ aforesaid.

Thus done and passed in the City of _____ in the Province of Lower Canada, in the Office of M. N. one of the subscribing Notaries, the day and year first above written, and the said parties have to these presents set and subscribed their names in presence of the said Notaries, on the same being first duly read.

C. D.

P. Q. Not. Pub.

A. B.

M. N. Not. Pub.

Whereas C. D. of _____ one of the Associates in the Township of Z, situate, lying and being in the District of _____ in the Province of Lower Canada, hath by a previous Act or deed for certain causes and considerations him thereunto moving, relinquished his proportion of Lands in the said Township, one sixth part excepted.

And Whereas A. B. of _____ in the Province of Lower-Canada aforesaid, doth in addition to his other charges and burthens on account of the said Township undertake at his own and proper charge and expense, to cause a Road to be cut from the Parish of S. to the said Township of Z. Now Know all Men that the said C. D. in consideration of the above undertaking on the part of the said A. B. doth hereby bind and oblige himself, his Heirs, Executors, Administrators and Assigns to clear of his remaining portion of Land in the Township aforesaid, two acres yearly for three successive years, the first year to commence from the date of the Patent for the said Township of Z. Also within the first year aforesaid, to build and construct on the said remaining portion of Land a House and Grange. On failure of which or either of the said conditions the said remaining portion of Land to become forfeit to the said A. B.

Further in case the said C. D. should at any time be inclined to dispose of the said remaining portion of Land, he hereby also binds himself, his Heirs, Executors, Administrators and Assigns to make the first offer thereof to the said A. B. on failure of which the Land to become liable to the forfeitures aforesaid. In Witness whereof I have hereunto set my Hand and Seal, at _____ this _____ day of _____ in the Year of our Lord one thousand _____ hundred and _____ and in the _____ Year of His Majesty's Reign.

(L. S.)

C. D.

Signed and Sealed }
in the presence of }

P. Q. Not. Pub.

M. N. Not. Pub.

Province of Lower-Canada, }
 District of ——— to wit. }

On the ——— day of ——— in the year of our Lord Christ, one thousand ——— hundred and ——— Before us M. N. and P. Q. Public Notaries duly admitted and sworn for the Province of Lower-Canada, residing in the ——— in the said Province, personally came and appeared A. B. of the ——— of the one part and C. D. ——— of ——— of the other part, who in the presence of us the said Notaries, did, and do hereby respectively declare, acknowledge and admit as follows, that is to say, That by a certain agreement between them the said A. B. and the said C. D. duly made and executed at ——— aforesaid, the ——— day of ——— now last past, before the aforesaid M. N. and P. Q. Notaries, and bearing date the same day and year, in consideration of the trouble and expense then already sustained by the said A. B. in and about a certain tract of Land in the said agreement mentioned, and that the said A. B. in and by the said agreement, did covenant, promise and agree to and with the said C. D. that he, the said A. B. would at his proper cost and charge sue out and obtain Letters Patent erecting the said tract of Land in the said agreement mentioned, into a Township, and would cause the name of the said C. D. to be inserted in the said Letters Patent as one of the Grantees of the said tract of Land for a portion thereof not less than two hundred acres; the said C. D. did, in and by the said agreement, covenant, promise and agree to and with the said A. B. that after the said Letters Patent should be issued, if the said C. D. should be included therein as a Grantee for any quantity of Land exceeding two hundred acres, he the said C. D. would upon the first demand made unto him by the said A. B. by a good and sufficient conveyance in Law, convey and assure unto the said A. B. and his Heirs for ever, or unto such person as he should appoint, all and singular the Lot and Lots, parcel and parcels of Land, which should be granted unto him the said C. D. by the said Letters Patent, save and except one Lot of two hundred acres which he the said C. D. on such demand of the said A. B. would forthwith choose and select; to have and to hold the said Lot so chosen and selected unto him the said C. D. and to his Heirs and Assigns for ever as and for his and their proper estate. That he the said A. B. had in every respect fulfilled, performed and accomplished, all the undertakings, conditions, promises, covenants and engagements in the said last mentioned agreement contained, and which on his part were to have been performed, fulfilled or accomplished; and more particularly, that the said A. B. had, at his own proper cost and charge, sued out and obtained certain Let-

ters Patent, duly made and passed under the Great Seal of the said Province of Lower-Canada, and bearing date at the Castle of Saint Lewis, in the City of Quebec, the _____ day of this present month of _____ whereby His Majesty had been most graciously pleased to erect the tract of Land in the aforesaid agreement mentioned, into a Township to be called and known by the name of the Township of Z, and to grant unto the said A. B. and to him the said C. D. and to the other several Grantees in the said Letters Patent named, and unto their and each of their Heirs and Assigns for ever, five sevenths of the said Township of Z, in the said Letters Patent particularly set forth and described, to have and to hold one full and equal forty fourth part of the tract of Land and premises by the said Letters Patent granted (the same into forty four equal parts being divided) and every part and parcel thereof, with their and every of their appurtenances, except as in the said Letters Patent is excepted, unto each of them the said Grantees and unto their Heirs and Assigns respectively to their only proper and separate use and behoof, respectively, forever, as tenants in common, and not as joint tenants, in free and common soccage. All which, recourse being had to the said Letters Patent, will more fully and at large appear.

That by a certain Deed or Act of Partition duly made and executed by and between the said Grantees in the said Letters Patent named at the said _____ of _____ before Mr. M. N. and his confrere Notaries, on the _____ day of _____ a partition of the said undivided five seventh parts of the said Township of Z. so as aforesaid granted, was in due form of Law made and perfected by and between them the several Grantees in the said Letters Patent named, and that, by virtue of the said Deed or Act of Partition, he the said C. D. was now the only owner and proprietor of the several Lots, parts and parcels of the said Township of Z. herein after mentioned, that is to say, of the Lots, numbers _____ to have and to hold the said last mentioned Lots of which the said C. D. is so as aforesaid lawful owner and proprietor, unto him the said C. D. and unto his Heirs and Assigns in severalty, to and for his and their own use and benefit for ever, subject, nevertheless, to the terms and conditions, provisos, limitations, restrictions, and reservations, in the said Letters Patent set forth and contained. All which, recourse being had to the said Deed of Partition, will more fully and at large appear.

That therefore in pursuance of the above mentioned agreement of the said _____ day of _____ now last past, the said C. D. had chosen and selected and in the presence of us the said Notaries the said C. D. did and doth hereby choose and select out of,

from and among the said Lots of Land so as aforesaid to him assigned by the aforesaid Deed or Act of Partition, the Lot No. _____ containing two hundred acres, to be and remain the proper Estate of him the said C. D. and of his Heirs and Assigns for ever; and in further pursuance of the said last mentioned agreement, he the said C. D. in the presence of us the said Notaries, did and doth hereby declare his intentions forthwith to convey and assign unto the said A. B. the several remaining Lots so as aforesaid to him assigned by the said Deed or Act of Partition, that is to say the said Lots Numbers _____ in the said Township of Z.

And therefore in the presence of us the said Notaries, the said C. D. in consideration that the said A. B. has in every respect fulfilled, performed and accomplished all the undertakings, conditions, promises, covenants and engagements in the said agreement of the said _____ day of _____ contained, which on his part were to have been performed, fulfilled or accomplished, and more particularly in consideration that he the said A. B. at his own proper cost and charge sued out and obtained Letters Patent erecting the tract of Land in the said agreement aforesaid mentioned into a Township, and has caused to be inserted in the said Letters Patent the name of the said C. D. as one of the Grantees of the said tract of Land for a portion thereof exceeding two hundred acres, and in consideration of the great trouble and expense sustained by the said A. B. in the premises and in the further consideration of _____ shillings to him the said C. D. in hand, in the presence of us the said Notaries, paid by the said A. B. to him the said C. D. (the receipt whereof the said C. D. doth hereby acknowledge) the said C. D. did and doth hereby grant, bargain, sell, alien, convey and confirm unto the said A. B. and to his Heirs and Assigns for ever the Lots Nos. _____ with their and every of their appurtenances, and also all and every the Estate and Estates, property, rights, titles, interests, claims and demands whatsoever of him the said C. D. of, in, to or out of the said Lots of Land and premises hereby granted, bargained and sold, or intended so to be and every part thereof, to have and to hold the said Lots of Land and all other the premises hereby granted, bargained and sold, or mentioned or intended to be hereby granted, bargained and sold, and every part and parcel thereof, with their and every of their appurtenances unto the said A. B. his Heirs and Assigns for ever, to the only proper use and behoof of him the said A. B. his Heirs and Assigns for ever, subject nevertheless, to the terms and conditions, provisos, limitations, restrictions and reservations in the aforesaid Letters Patent set forth and contained.

And he the said C. D. in the presence of us the said Notaries, for himself and his Heirs, Executors and Curators and Administrators, did and doth hereby promise and grant to and with the said A. B. his Heirs Executors, Curators, Administrators and Assigns, that he the said C. D. and his Heirs the said Lots of Land and all singular other the premises herein before mentioned to be hereby granted, bargained and sold and every part and parcel thereof, with their and every of their appurtenances, unto the said A. B. and unto his Heirs and Assigns for ever, against him the said C. D. and his Heirs and against all and every other person or persons whatsoever shall and will warrant and ever defend by these presents.

And the said C. D. in the presence of us the said Notaries, for himself, his Heirs, Executors, Curators and Administrators, and each and every of them did and doth hereby promise, covenant and grant to and with the said A. B. his Heirs, Executors, Curators, Administrators and Assigns and to and with each and every of them, that he the said C. D. his Heirs and Assigns and all and every other person or persons and his and their Heirs having or claiming any Estate, title or interest of, in, or to, the said Lots of Land and premises hereby granted, bargained and sold, or mentioned so to be, or of, in or to any part or parcel thereof, shall and will from time to time and at all times hereafter upon the reasonable request and at the cost and charges in the Law of the said A. B. his Heirs, Executors, Curators, Administrators or Assigns, or some one of them, make, do and execute or cause to be made, done and executed all and every such further and other lawful and reasonable Act and Acts, thing and things, devise and devises, assurance and assurances, conveyance and conveyances, in the Law whatsoever, for the further, better, and more perfect granting, conveying and assuring unto the said A. B. and to his Heirs and Assigns for ever, the said Lots of Land and premises hereby granted, bargained and sold, or mentioned to be granted, bargained and sold, with their and each and every of their appurtenances, as by the said A. B. his Heirs or Assigns or any of them shall be reasonably devised, advised or required.

Thus done and passed the day and year first above written at _____ in the office of M. N. one of the subscribing Notaries, the aforesaid parties having to these presents first duly read according to Law in the presence and hearing of them the said parties and of us the Notaries set and subscribed their names in the presence of us the said Notaries, who have also hereunto set and subscribed our names and signatures in faith and testimony of the premises.

C. D.

A. B.

P. Q. Not. Pub.

M. N. Not. Pub.

(G)

Copy of the Table of Fees established by order of the Governor in Council, on the 4th December, 1797, to be taken upon Grants of the Waste Lands of the Crown.

			Per Thousand Acres.
The Governor,	-	-	£0 10 0
Attorney General,	-	-	0 10 0
Surveyor General,	-	-	0 15 0
Secretary of the Province,	-	-	0 10 0
Clerk of the Council,	-	-	0 10 0
Auditor,	-	-	0 6 8
Register,	-	-	0 5 0
			£3 6 8 Cy.

Certified,

H. W. RYLAND.

The following Queries were sent to different persons residing in the Townships, whose answers will be found immediately following :

1. Have you resided for any and what length of time, in the Township of _____ in the District of _____ ?

2. Have you caused to be cleared and enclosed any and what quantity of land, and at what price and where ?

3. What is the quantity of Stock in your possession, and have you erected any and what buildings upon the said land, and of what value ?

4. Have you passed through any and what Townships, and what is the extent of the cleared lands in the same and the population thereof respectively, and are there any and what Townships on the south shore in which there are no clearings or settlements ?

5. What is the state of the roads in the said Townships, and are there any and what causes which serve to advance or retard the improvement of the Internal Communications of the said Townships ?

6. Are there any and what number of persons in the said Townships, who have settled upon and improved Waste Lands of the Crown in the same, which said Lands have, since the said Settlement, been granted by Patent under the Great Seal of the Province, to other individuals, and what is the number of the said Settlers, and to what business, profession or occupation were

they educated, and what generally were the places of residence, professions or occupations of the Grantees of the Crown, and have these latter made or attempted to make any settlement or settlements upon the same?

7, What are the causes which in your estimation have contributed to advance or retard the Settlement of the said Townships, and the prosperity of the same?

8. What is the distribution of the said Lands—are they generally distributed equally or otherwise, and what is the usual size and dimensions of the farms in the said Townships?

MR. CHS. KILBORN.

1. I have resided in the Township of Stanstead, in the District of Montreal, about twenty years.

2. I am now proprietor of Lots numbers one in the eighth and ninth ranges, containing together four hundred acres, on which I have cleared and enclosed about one hundred—The costs of clearing and enclosing is about three pounds per acre.

3d. I possess upwards of two hundred head of cattle, (including Sheep) and have erected on my farm three Dwelling-Houses, two Barns, a Grist-Mill, Saw-Mill, Fulling-Mill, Carding-Machine, and other buildings, which are now worth but about seven hundred and fifty pounds, but have cost me upwards of fifteen hundred—There are also many other persons in this Township whose farms are more improved, have greater numbers of cattle, and whose buildings are far more valuable than my own.

4. Since my residence in this part of the country I have had occasion to pass through most of the Eastern Townships, particularly through those between Stanstead and Montreal, viz: Bolton, Brome, Farnham, Granby, Stukely and Shefford; also through Barnston, Hatley, Compton, Ascott and Shipton on the St. Francis River.—The Township of Stanstead contains about three hundred and fifty Lots, containing each two hundred acres, on which there are now settled (at least) five hundred families, and contains a population of about three thousand inhabitants, Hatley, Barnston, Compton, Ascott, Eaton, Shipton and Melbourne are also thick settled, though not quite so much as Stanstead.

With respect to the cleared lands and population of the respective Townships, it is difficult to state it correctly, but it is supposed that they contain altogether upwards of three thousand five hundred families, who have (on an average) about forty acres each, under cultivation, and form a population of twenty-five thousand inhabitants.

5. The roads through the Townships are generally in a very bad state—that from Shipton to Ascott is the only road practicable for wheel carriages, there are roads leading through different parts of the Townships, and in many directions, but these have been opened by those who were in absolute want of them, and consequently are merely kept in a state to admit passing and re-passing with Ox Teams—The Road Act not being applicable to the Townships, owing to the quantity of unsettled land, and the number of Crown and Clergy Reserves, there are no means of compelling the inhabitants to contribute in any manner to the opening and repairing the roads; consequently each person contributes that share of labour only, which he conceives to be necessary for his own private interest, and the interests of individuals residing in different parts of a Township differ so much, that without some law is enacted to compel the inhabitants to contribute their quota of labour and expense to the opening and repairing of roads to the principal market Towns, and subject them to certain regulations tending to unite the exertions of all, there is little prospect of improving the internal communications through these Townships, and it is principally owing to the want of these, that their improvements have been so long retarded.

6. There are between sixty and seventy Families who have settled and improved waste lands of the Crown, in the Township of Stanstead, which lands have since been granted to the late Sir Robert Shore Milnes, who did not to my knowledge attempt to to make any settlement on them—The Settlers alluded to were generally farmers.

7. With regard to the causes which have contributed to retard the settlement and prosperity of the Townships, it is impossible for a person who is not personally acquainted with them, to become informed of the true state of the country, and it is equally impossible for me to reduce to writing in a way to be generally understood, the great disadvantages under which the Inhabitants labour—the principal cause is however in my humble opinion, owing to the Inhabitants not being represented in the House of Assembly in the same manner as the other inhabitants of Lower-Canada are, and as those in this part of the country humbly conceive themselves as faithful subjects entitled to. They are, it is true, represented, but by persons who are elected in distant parts, where of the twenty-five thousand above alluded to, not one thousand have an opportunity of giving their votes, owing to the distance at which the Poll is held. One other great disadvantage is the want of Laws for the opening and repairing public Highways, as mentioned in my answer to the fifth Query, and a further disadvantage is owing to the administration of justice

being attended with so great an expense as it now is, that is, the distance that a person from these parts has to travel to obtain the necessary recourse in cases of debt, &c. The Lots throughout the Townships as granted by the Letters Patent, contain generally two hundred acres each.

Having stated the want of Roads, I beg leave to state that a direct road from Stanstead through Hatley to within four miles of the north end of Lake Memphremagog, (of which an idea may be had by referring to the Map) there to form a junction with the roads from Barnston and Hatley, continuing through Bolton, Stukely, Shefford and Granby, to the Yamaska Mountain, thence across to the southerly point of the Rougemont Mountain, and from there in as direct a line as possible to Montreal; another from Stanstead through Hatley, Compton and Ascott, from thence down the St. Francis to Three-Rivers, and also from Shipton to Quebec, would greatly tend to the settlement and prosperity of the Townships—But these roads will pass through so extensive tracts of unsettled lands, and reserved lots, that the inhabitants will be in need of pecuniary assistance to be applied in a manner beneficial to the public at large, and not for the convenience of any private individual.

I further beg leave to mention that there is now a good road from Boston to this Township, through which there arrives two stages every week, but cannot proceed further through this country owing to the want of roads.

Mr. P. A. BARKER.

Quebec, 24th February, 1821.

SIR,

I am extremely sorry to acquaint you that it is not in my power to give you the information you are so desirous of obtaining a correct knowledge of, relative to persons establishing themselves upon wild lands in the Townships under the Patronage of Mr. Fitch; but with due deference beg leave to acquaint you of several persons residing in the Township of Barnston, that were associated with Messrs. Robert Leste. and Robert Morrogh, Esqrs. of this City, for a grant of the said Township, that have cultivated and cleared fifty acres of Land, erected buildings, &c. and from some circumstances unknown to them, their names were left out of the Letters Patent, which issued for a grant of only one moiety of the Township aforesaid, and the persons who came

into the Township of Barnston at so early a period, did not at that time entertain the smallest doubt that Government would ultimately grant portions of the waste lands of the Crown to such as had settled thereon, and as an encouragement and remuneration for the hardships and privations which they, thus, encountered, inseparable with the settlement of a wilderness country; and that under these impressions they continued to remain upon their several Lots of Land, which have since been patented to Sir Rober Shore Milnes, and they can get no redress.

The persons, or many of them who I shall hereafter designate had been approved of as Associates by His Excellency the Governor in Council, and ordered the accustomed portion of the waste lands of the Crown, they having previously been recommended by the Commissioners of the Land Board, taken the oath of allegiance, and made and subscribed the Declaration as by law required.

Lemuel Rofs located and entered upon Lot number eighteen, in the third range of Lots as early as the year 1798, and erected a convenient dwelling house and barn, and cleared and cultivated fifty acres of land.—And

upon Lot No. 18, in the 1st Range.			
J. Hibbard,			
J. Sanders,	17,	1st	do.
S. Heath and Bickford,	16,	1st	do.
S. & J. Norton,	15,	2d.	do.
J. Parker & Butterfield,	17,	3d.	do.
J. Thurber,	20,	3d.	do.
Elisha Thomas,	20,	4th.	do.
Dunbar & H. Wheeler,	17,	5th.	do.
R. Baldwin,	6,	16th.	do.
J. Kilborn,	17,	7th.	do.
Marsh & Gray,	17,	8th.	do.
Young,	16,	9th.	do.

P. S. There are many others in the Townships of Compton and Stanstead that have lost their lands, and which has been patented to Sir R. S. Milnes.

Mr. W. B. FELTON.

1. I have resided five years in the Township of Ascot.
2. I have cleared and enclosed nearly seven hundred acres of wild lands; the price of clearing by contract has been twelve

dollars per acre, and that of enclosing about five dollars per acre ; the whole of it is in Ascot ; many smaller improvements have been made to other detached Farms in various places.

3. A Dwelling House and Offices, with several Barns have been erected on the lands newly cleared, at the expense of 10,000 dollars ; the Stock on the Farm at present is only two hundred head of large Cattle, with a small flock of Sheep.

4. I have visited many Townships, but the materials I have collected do not enable me to give a precise account of the quantity of land cleared, nor of the exact population : And the Committee will be much deceived if they rely on information from any other source than a Public Census carefully executed ; there are few individuals in the Country who know the extent of their own clearings. As to the Townships on the South Shore which contain no clearings, it may safely be asserted, that with the exception of part of the Townships of Shipton and Melbourne, and the front lots on the River Townships, all the Country on the River St. Francis is unsettled, as is also the case with the Townships lying to the East, and to the West of that River in this District.

5. There is nothing deserving the appellation of a Road through the Townships of this District. The High Roads laid out and contracted for by the Commissioners for Internal Communications remain unfinished. There is nothing I am acquainted with to advance the improvement of the Internal Communications of the Townships, but there are not wanting impediments to their amelioration. The want of a Population and of Laws, are of course the principal obstacles to the improvement of the Internal Communications.

6. Upon the subject of this Question my means of information do not enable me to lay before the Committee facts whereupon they may rely.

7. The state of property as respects Waste Lands appears to have retarded the settlement of the Country, and continues to present difficulties of a nature extensive and almost insuperable ;

First—Because nine-tenths of the granted lands are in the hands of absentees.

Secondly—The disposable Waste Lands of the Crown are inaccessible, and

Thirdly—Because the Public Reserves, comprising nearly one third of the whole Country, and which (by a singularly injudicious arrangement, admirably calculated to obstruct the Settlement of a Country,) come in contact with every Settler on one or more sides of his Farm, are barred to improvement by the exaction of rent. To appreciate the effects of these impediments, it is ne-

cessary to understand, that to afford to the Emigrant arriving in this Country any reasonable hope of success, it is indispensable to locate him in the neighbourhood of a Settlement, or at least on a Road or Path of Communication; but it becomes impracticable to effect this object on the remaining unlocated lands of the Crown, by reason of their remote and inaccessible position, all the wild lands surrounding the Farms or Villages and on the Roads having long since been granted, and the proprietors are generally absent and unknown. He is precluded from the Reserves by the necessity of taking out a Lease, a mode of occupancy to which all new Settlers appear to entertain a well-grounded and unconquerable aversion.

The remedy for these obstructions appear to be the compulsory fulfilment of the conditions of the Patents by the Grantees of the Crown Lands. The opening of Roads of Communication through the ungranted Waste Lands; and finally, by granting or affording for longer Leases and on more reasonable Rents, the Crown Reserves.

Another cause which militates against the prosperity of the Country is the want of General Communications with the Markets of the Capital and other places. In the present state of the population, the grand Roads of Communication must, if made at all, be made at the Public Expense; and it will require a judicious modification of the existing Road Law to uphold the great Roads without oppression.

Among the causes which operate against the settlement of the Townships by respectable people, the most important is the want of protection and security for persons and property. As a proof of this position, may be cited the undeniable fact that no respectable man possessing property that can be injured or destroyed, will or dare execute the duties of a Magistrate. This state of things arises from the distance of the Courts of Judicature, the absence of means of confining offenders, the trouble, expense and loss of time in conducting criminal prosecutions, and the consequent impunity for all offences.

In the decision of civil causes the distance of the Courts has a most injurious effect, and contributes more than any other circumstance to retard the improvement of the Country, by subjecting all the inhabitants to enormous charges, expenses and loss of time.

In short, it is the establishment of a permanent and respectable Court of Justice in the Townships, or of a system of Circuit Courts taking cognizance of all suits and causes of every description and amount, that alone is capable of counteracting the multiplied ob-

structions to the prosperity of this Country, that will give a proper and decorous tone to public opinion, and that will assimilate to the rest of the Province its present population.

8. The distribution of lands viewed as to the proprietorship of wild lands, is exceedingly unequal, varying from one hundred to forty-thousand acres: but as it respects the occupation of lands partially cleared, the state of property may be stated as very equal; the consideration of the fact, that every settler is limited in his operations to the extent of his personal labour and that of his Family, will make this apparent—Few farmers exceed sixty or seventy acres cleared on a lot of two hundred acres, and the average is below that quantity.

The remedy for these obstructions appears to be the communication of the condition of the land, by the Government of the Crown Lands. The opening of Roads of Communication through the unoccupied Waste Lands; and finally, by granting or reserving for longer Leases and on more reasonable terms the Crown Lands.

Another cause which militates against the prosperity of the Country is the want of General Communication with the Masses of the Capital and other places. In the present state of the population, the Grand Roads of Communication must be made at all, be made at the Public Expense; and it will require a judicial modification of the existing Road Law to uphold the great Roads without opposition.

Among the causes which operate against the settlement of the Townships by respectable persons, the most important is the want of proper security for the property and the individual. As a proof of this, it may be stated that the individual who has been seduced from his property, or whose property has been destroyed, will or dare execute the duties of a Magistrate. This has sometimes arisen from the distance of the Courts of Justice, the absence of means of conveying evidence, the necessity of expense, and loss of time in conducting criminal prosecutions; and the consequent impunity for all offences.

In the decision of civil cases the distance of the Courts has a most injurious effect, and contributes more than any other circumstance to retard the improvement of the Country, by subjecting all the inhabitants to enormous charges, expenses and loss of time. It is the establishment of a permanent and respectable Court of Justice in the Townships, or of a system of Circuit Courts, having cognizance of all suits and causes of every description and amount, that alone is capable of counteracting the multiplied ob-

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